

# **Project SAVE:**

# **CODE OF CONDUCT**

K - 12



Baldwin Union Free School District

Baldwin, New York 11510

Revised June 2018  
Reviewed May 2019

**CODE OF CONDUCT**

**TABLE OF CONTENTS**

<b>5300.05</b>	<b>Introduction</b>	<b>2</b>
<b>5300.10</b>	<b>Definitions</b>	<b>2</b>
<b>5300.15</b>	<b>Student Rights and Responsibilities</b>	<b>4</b>
<b>5300.20</b>	<b>Essential Partners</b>	<b>5</b>
<b>5300.25</b>	<b>Student Dress Code</b>	<b>9</b>
<b>5300.30</b>	<b>Prohibited Student Conduct</b>	<b>10</b>
<b>5300.35</b>	<b>Reporting Violations</b>	<b>13</b>
<b>5300.40</b>	<b>Disciplinary Penalties, Procedures and Referrals</b>	<b>15</b>
<b>5300.45</b>	<b>Alternative Instruction</b>	<b>26</b>
<b>5300.50</b>	<b>Discipline of Students with Disabilities</b>	<b>26</b>
<b>5300.55</b>	<b>Corporal Punishment</b>	<b>34</b>
<b>5300.60</b>	<b>Student Searches and Interrogations</b>	<b>35</b>
<b>5300.65</b>	<b>Visitors to Schools</b>	<b>38</b>
<b>5300.70</b>	<b>Public Conduct on School Property</b>	<b>39</b>
<b>5300.75</b>	<b>Dissemination and Review</b>	<b>41</b>

## CODE OF CONDUCT

### 5300.05 INTRODUCTION

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, 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 (hereafter referenced as the "code").

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

### 5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

1. **“Disruptive student”** means any elementary or secondary student under the age of 21 who is or attempts to be substantially disruptive of the educational process or who substantially interferes with or attempts to interfere substantially 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.
2. **“Parent”** means parent, guardian, or person in parental relation to a student.
3. **“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.
4. **“School”** is defined as any setting under the control and supervision of a school district for student activities approved and authorized by the district.

5. **“School function”** means any school-sponsored co-curricular event or activity regardless of where such event or activity takes place, including those that take place in another state.
6. **“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 a school employee, another student, or any other person lawfully on school property or at a school function or attempts to do so.
  3. Possesses while on school property or at a school function a weapon as defined below.
  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, student, or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys school district property.
7. **“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. These examples include but are not limited to a rifle, shotgun, pistol, revolver, other firearm, knife, bb gun, pellet gun, dagger, razor, box cutter, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, electronic dart gun, DEWAT (deactivated war trophy), electronic stun gun, Kung Fu star, chukka sticks, dangerous chemical, pepper spray or other noxious spray, explosive, incendiary bomb, laser pointer, a “look-alike” or facsimile of any weapons aforementioned, or any object which is not necessary for school activities, which may be used as a weapon, instrument, or substance that can cause physical injury or death and which is capable of inflicting bodily harm.
8. **“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
9. **“District Staff”** or **“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

10. “**Sexual Orientation**” means actual or perceived heterosexuality, homosexuality, or bisexuality.
11. “**Gender**” means actual or perceived sex, and shall include a person’s gender identity or expression.
12. “**Gender Expression**” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.”
13. “**Gender Identity**” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
14. “**Harassment**” and “**bullying**” 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 and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (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. Acts of harassment and bullying include, but are not limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For purposes of this definition, the term “threats, intimidation or abuse” includes verbal and non-verbal actions.
15. “**Cyberbullying**” means harassment or bullying as defined above, where such harassment and bullying occurs through any form of electronic communication.
16. “**Electronic communication**” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, instagram, and twitter.
17. “**Emotional harm**” in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

**5300.15 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, supportive, healthy, orderly, and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis and be free from discrimination regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex or disability.
2. Be free from harassment, bullying or discrimination by employees or students on school property or at a school-sponsored function.
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.

**B. Student Responsibilities**

All 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 and dignity to other persons and to property.
2. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, in their seats prepared to work at the sound of bell, and be prepared to learn.
4. Work to the best of their ability in all academic and co-curricular 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 control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored co-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Wear their school identification with their photograph visible at all times.

**5300.20 ESSENTIAL PARTNERS**

**A. Parents/Persons in Parental Relation:**

All parents/persons in parental relation are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/persons in parental relation and the school community.
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, in writing, in a timely fashion.
5. Insist their children be 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.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents, and their children's friends through a climate of mutual respect and dignity.
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.
13. Follow school rules and regulations while on school property or attending school.
14. Participate in school activities/programs to the greatest extent possible.

**B. Teachers**

All district teachers are expected to:

1. Assist students in understanding the school's rules and expectations as detailed in the "Code of Conduct."
2. 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, which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
  - a. Course objectives and requirements;
  - b. Marking/grading procedures;
  - c. Assignment deadlines;
  - d. Expectations for students; and
  - e. His or her individual classroom management plan.

7. Communicate regularly with students, parents, and other teachers concerning student growth and achievement.
8. Address issues of discrimination, harassment and bullying, 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.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination, harassment and bullying that are witnessed or otherwise brought to their attention promptly to the building principal, superintendent or the principal's or superintendent's designee not later than one (1) school day, and to file a written report to the building principal, superintendent or the principal's or superintendent's designee not later than two (2) school days after making such oral report.

**C. School Counselors**

All school counselors, psychologists, and social workers 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.
2. Assist students in understanding the school's rules and expectations as detailed in the "Code of Conduct."
3. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
4. Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems.
5. Regularly review with students their educational progress and career plans.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and co-curricular programs.
8. Address issues of discrimination, harassment and bullying, 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.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination, harassment and bullying that are witnessed or otherwise brought to their attention promptly to the building principal, superintendent or the principal's or superintendent's designee not later than one (1) school day, and to file a written report to the building principal, superintendent or the principal's or superintendent's designee not later than two (2) school days after making such oral report.

**D. Building Administrators**

All building administrators are expected to:

1. Provide in-service training to staff annually and/or periodically (when changes are made) regarding the "Code of Conduct."
2. Promote a safe, supportive, orderly, and stimulating school environment, supporting active teaching and learning regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
3. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate co-curricular activities.
6. Be responsible for enforcing the "Code of Conduct" and ensuring that all cases are resolved promptly and fairly.
7. Address issues of discrimination, harassment and bullying, 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. Report incidents of discrimination, harassment and bullying that are witnessed or otherwise brought to their attention promptly to the Building Dignity Act Coordinator or superintendent or the superintendent's designee not later than one (1) school day, and to file a written report to the Building Dignity Act Coordinator, superintendent or superintendent's designee not later than two (2) school days after making such oral report..

**E. Superintendent**

All superintendents are expected to:

1. Promote a safe, supportive, orderly, and stimulating school environment, supporting active teaching and learning regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the "Code of Conduct" and ensuring that all cases are resolved promptly and fairly.

6. Address issues of discrimination, harassment and bullying, 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.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination, harassment and bullying that are witnessed or otherwise brought to their attention promptly to the building principal or Building Dignity Act Coordinator or the principal's designee not later than one (1) school day, and to file a written report to the building principal, Building Dignity Act Coordinator, or the principal's designee not later than two (2) school days after making such oral report..

**F. Board of Education**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel to develop a "Code of Conduct" that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review, at least annually, the district's "Code of Conduct" to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
5. Address issues of discrimination, harassment and bullying, 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.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination, harassment and bullying that are witnessed or otherwise brought to their attention promptly to the building principal, superintendent or the principal's or superintendent's designee.

**G. Dignity Act Coordinator (DAC)**

The DAC is expected to:

1. Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

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. Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention efforts.
4. Address issues of discrimination, harassment and bullying, 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.
5. Address personal biases that may prevent equal treatment of all students.
6. Investigate reported incidents of bullying and harassment.
7. Report incidents of discrimination, harassment and bullying that are witnessed other otherwise brought to their attention promptly to the building principal, superintendent or the principal's or superintendent's designee not later than one (1) school day, and to file a written report to the building principal, superintendent or the principal's or superintendent's designee not later than two (2) school days after making such oral report

**5300.25 STUDENT DRESS CODE**

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

A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear and midriffs are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats, bandannas, or other head coverings in school except for a medical or religious purpose. (Parental or doctor's notes required.)
6. Not include items that are vulgar, obscene, discriminatory, libelous or denigrate others based on a person's actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, gender, sex, sexual orientation, or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Not include headphones or ear pieces or other electronic devices at any time while on school property, except for instructional purposes and in designated areas as directed by the teacher or administrator.
9. Include appropriate protective gear to classes where it is necessary (e.g., home economics, technology and science).
10. Not include clothing that advocates gang activity.

11. Not include jewelry that can be dangerous such as chains, spikes and other potentially dangerous ornaments.

Each building Principal or his or 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.

In enforcing dress code regulations and expectations, staff members must do so with equity and consistency without regard to gender.

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.

### **5300.30 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.

It is expected that all students conduct themselves in a manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying and harassment.

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 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 penalties for their conduct. All violations apply to student behavior in school, on school property, on school buses, and at school-sponsored functions, and student behavior off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment.

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. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. 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.) Furthermore, if a student is suspended out of school, that student may not be on any school grounds.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

**B. Engage in conduct that is insubordinate or disruptive. Examples of insubordinate or disruptive conduct 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. Lateness for, missing, or leaving school without permission.
3. Cutting classes
4. Failing to attend assigned detentions.
5. Inappropriate public sexual contact.

**C. 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, pushing into, and scratching) upon a teacher, administrator, or other school employee 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. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying (including graffiti or arson) the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property.
6. Intentionally damaging or destroying school district property.
7. Threats against the school.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of themselves or others in any form including online. Examples of such conduct include, but are not limited to:**

1. 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.
2. Lying to school personnel.

3. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function or stealing or attempting to steal anything that is school property
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This would include inappropriate use of websites or other internet locations.
5. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation, or disability as a basis for treating another in a negative manner.
6. Harassment as defined in the definitions section of this Code of Conduct, but which also includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.  
Sexual Harassment-Visual, verbal, or physical actions of a sexual nature that is offensive to a person or persons creating a hostile environment.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Bullying, as defined in the definitions section of this Code of Conduct and which can consist of inappropriate persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering others.
9. Cyberbullying, as defined in the definitions section of this Code of Conduct.
10. 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.
11. Violation of another student's civil rights.
12. Selling, using, distributing or possessing obscene material.
13. Using vulgar, harassing, bullying, discriminatory or abusive language, cursing, or swearing.
14. Possessing, consuming, selling, distributing, or exchanging cigarettes, electronic cigarettes, vapor pens/devices, cigars, pipes, or using chewing or smokeless tobacco or smoking/tobacco/nicotine substitutes.
15. 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, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
16. Inappropriately using or sharing prescription and over-the-counter drugs.
17. Possessing drug paraphernalia.
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, misuse of AED (Automated External Defibrillator), 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 and fighting 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 another student in any of the above actions.
- G. Use or display of personal electronic equipment on school grounds which includes, but is not limited to: cell phones, tablets, I-pods, cameras, personal video game consoles.**
- H. 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 or endangers the health, safety or morals of students of staff within the school.**

Examples of such misconduct include, but are not limited to:

1. Cyberbullying, as defined in the definitions section of this Code of Conduct.
2. Threatening, hazing, harassing students or school personnel over the phone or the internet or other electronic media.
3. Using message boards to convey threats, derogatory comments or post inappropriate pictures of students or school personnel.

### **5300.35 REPORTING VIOLATIONS**

All students are expected to promptly report violations of the "Code of Conduct" to a teacher, guidance counselor or building administrator. Any student observing a student possessing a weapon, alcohol, illegal substance, or another violation of the "Code of Conduct" on school property or at a school function shall report this information immediately to a teacher, building administrator, or anonymous reporting software, if available.

All district staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff members 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/persons in parental relation of the student involved and the

appropriate disciplinary sanction if warranted, which may include permanent suspension and referral to the local law enforcement agency for prosecution.

The building Principal or the Principal's designee must notify the appropriate local law enforcement agency of "Code" violations which may constitute a crime and substantially affect the order or security of a school as soon as practical but in no event later than the close of business the day the Principal or the Principal's designee learns of the violation. The notification may be made by telephone, followed by a letter mailed home in a timely fashion. The notification must identify the student and explain the conduct that violated the "Code of Conduct" and constituted a crime.

### Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed or discriminated against, parents whose children have been bullied, harassed or discriminated against, or other students or staff who observe bullying, harassing or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable district policies, including, but not limited to Policy 0115, Student Harassment and Bullying Prevention and Intervention; Policy 0100/2600 Equal Opportunity/Nondiscrimination; and Policy 0110/2610/2620, Sexual Harassment.

### Dignity Act Coordinator Contact Information

The name and contact information for each school building's Dignity Act Coordinator is provided below:

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Asst. Supt., Human Resources	District Office	434-6030
Asst. Supt., Instruction	District Office	434-6020
Principal/Asst. Principal	Senior High School	434-6101
Principal	Middle School	434-6201
Principal	Brookside Elementary	434-6301
Principal	Lenox Elementary	434-6401
Principal	Meadow Elementary	434-6501
Principal	Plaza Elementary	434-6601
Principal	Steele Elementary	434-6701

This information shall also be posted on the District's website and included in the plain language summaries of the code of conduct provided to parents and students and shall be further disseminated in accordance with law and regulations.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination is prohibited under this Code of Conduct and the law.

**5300.40 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:

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 deemed to be a manifestation of his/her disability.

**A. Penalties**

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

1. Oral warning – any member of the district staff.
2. Written warning - teachers, building administrators, Superintendent.
3. Written notification to parent –teachers, building administrators, Superintendent.
4. Detention – teachers, building administrators, Superintendent.
5. Suspension from transportation – director of transportation, Principal, Superintendent.
6. Suspension from athletic participation – coaches, Principal, Athletic Director, Superintendent.
7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent.
8. Suspension of other privileges– Principal, Superintendent.
9. Perform community service – Principal.
10. In-school suspension – Principal, Superintendent.
11. Removal from classroom by teacher – teachers, Principal.
12. Short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education.

13. Long-term (more than five days) suspension from school – Superintendent, Board of Education.
14. Permanent suspension from school – Superintendent, Board of Education.
15. Restitution for stolen or damaged property— Principal, Superintendent, Board of Education.

In responding to violations of this Code of Conduct, including, but not limited to acts of harassment, bullying, and/or discrimination, the District may use a progressive model of student discipline. This shall apply to such acts against students by students. The progressive model of student discipline shall include measured, balanced, and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, and the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

Remedial responses to code of conduct violations may be used. Remedial responses appropriately place the focus of discipline on discerning and correcting the reasons why a code of conduct violation may occur. These remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support groups;
- Corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling; parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent code of conduct violations, including, but not limited to bullying, harassment and discrimination. Environmental remediation strategies may include:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying, harassment and discrimination;
- Review of camera tapes to validate incidents when available;
- Adoption of research-based, systemic character education programs;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Staff professional development;
- Parent conferences;

- Involvement of parent-teacher organizations;
- Peer support groups.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

## **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 may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is not parental objection to the penalty and that the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to a building administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building Principal, 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 administrator imposing the penalty 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, co-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 administrator imposing the penalty 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."

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 administrator 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 (2) sending the student to a colleague's classroom until an appropriate teacher-student discussion can take place (3) sending a student to the building administrator'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 disruptive behavior may become so severe as to require a disciplinary removal from class. For purposes of this "Code of Conduct," a disruptive student is a student who is substantially disruptive of the educational process or who 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 two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If 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.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or the Principal's 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, the Principal or another district administrator designated by the Principal must notify the student's parents/persons in parental relation, in writing, that the student has been removed from class and why. The notice must also inform the parent/persons in parental relation that he or she has the right upon request to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The 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 at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

The Principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the Principal, or the Principal's designee must explain why the student was removed and give the student and the student's parents/persons in parental relation a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent/persons in parental relation 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 the Principal's designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination or the period 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 suspensions 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 (five days or less) Suspension from School**

When the Superintendent or Principal (hereinafter 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 of the charged misconduct. 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/persons in parental relation 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/persons in parental relation. 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/persons in parental relation.

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/persons in parental relation 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/persons in parental relation. At the informal conference, the pupil and/or parents/persons in parental relation shall be permitted to present the pupil’s version of the event and 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 informal conference, the Principal shall promptly advise the parents/persons in parental relation in writing of his or her decision. The Principal shall advise the parents/persons in parental relation 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 5 business days unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the Superintendent’s decision unless they can show extraordinary circumstances

precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

**b. Long term (more than five days) Suspension from School**

When the Superintendent or building Principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents/persons in parental relation 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 as to guilt or innocence of the student 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. Upon conclusion of the hearing, the Superintendent shall provide the parent(s)/persons in parental relation with his/her written decision.

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 and shall issue its decision within ten (10) days of receiving the appeal. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

**c. Permanent suspension**

Permanent suspension is reserved for 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.

**C. Minimum Periods of Suspension**

**1. Students who bring or possess a weapon on school property**

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 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 commit violent acts other than bringing or possessing a weapon on school property**

Any student other than a student with a disability who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is a 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 a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent 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, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five 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 or three or more occasions during a trimester. 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 the minimum five-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 has the authority to modify the minimum five-day

suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination**

The district supports the development of measured, balanced, and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, education, intervention and discipline. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment. Successful intervention **may** involve remediation.

Remedial responses to bullying, harassment and/or discrimination appropriately place the focus of discipline on discerning and correcting the reasons why bullying, harassment and discrimination occur. These remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

- Restitution and restoration;
- Peer support groups; corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling; parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and discrimination. Environmental remediation strategies may include:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying, harassment and discrimination;
- Review of camera tapes to validate incidents when available;
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Adoption of research-based, systemic character education programs;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Staff professional development;
- Parent conferences;
- Involvement of parent-teacher organizations;
- Or peer support groups.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, harassment and/or discrimination, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

**E. Referrals**

**1. Counseling**

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

**2. PINS Petitions**

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 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 is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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

**5300.45 ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take steps to provide alternative means of instruction for the student in a timely manner. Students are responsible for completing work missed during the period of separation or suspension.

**5300.50 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 law and regulations.

***Definitions***

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. ***“Behavioral intervention plan” (BIP)*** means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. A **“suspension”** means a suspension pursuant to Education Law §3214.
3. 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.
4. A **“Manifestation review”** is a meeting to determine the relationship between the student’s disability and the behavior subject to disciplinary action. This is required when the disciplinary action results in a disciplinary change of placement
5. 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. 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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
6. A "**Manifestation team**" is a group of district representatives knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
7. An "**Interim Alternative Educational Setting**" (IAES) means a temporary educational placement for a period of up to 45 days. The IAES changes the placement the student had at the time the unacceptable behavior occurred. For the duration of the "IAES" placement, the student continues to progress in the general curriculum and continues to receive services and modifications described on the student's current individualized educational program (IEP) which enables the student to meet the goals set out in said IEP. It will also include services and modifications designed to address the behavior which precipitated the IAES placement and prevent the behavior from returning.
8. A "**Weapon**" means the same as the term "dangerous weapon" under 18 USC §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
9. A "**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.
10. "**Illegal drug**" 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.
11. "**School day**" means any day, including a partial day, that students are in attendance at school for instructional purposes.
12. "**Serious bodily injury**" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

13. **“Student presumed to have a disability for discipline purposes”** means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

**A. Authority of School Personnel to Suspend or Remove Students with Disabilities**

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

The Board, the District Superintendent (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 (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The Superintendent may directly, or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an appropriate 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 the above paragraph 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 or removal for the same behavior.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten (10) consecutive school days if the manifestation team determines that the student’s behavior was not a manifestation of the student’s disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

The Superintendent may directly, or upon the recommendation of a designated hearing officer, order the placement of a student with a disability in an IAES to be determined by the committee of 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 or at school, on school premises or to a school function under the district’s jurisdiction, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district’s jurisdiction or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district’s jurisdiction.

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 if his or her current educational placement poses a risk of harm to the student or others.

**B. Change of Placement Rule**

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

1. for more than 10 consecutive school days; or
2. 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.

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 manifestation team 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, controlled substances, or that maintaining the student in his/her current placement poses a risk to himself/herself or others.

**C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five (5) consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five (5) school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be split into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

**D. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct. In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

**E. Notice**

The district will provide the parents/persons in parental relation of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

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

**F. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to forty-five (45) school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

**G. Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The district will conduct a "Manifestation Determination Review" (MDR) 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.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents/persons in parental relation.

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.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district's CSE shall:

- a. Conduct a "Functional Behavioral Assessment" (FBA) to determine why a student engages in a particular behavior and implement or review Behavioral Intervention Plans (BIP) 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.
- b. If subsequently, a student with a disability who has a BIP 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 BIP 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.

**H. Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals for periods of up to ten (10) school days that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of ten (10) school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

**I. Students Presumed to Have a Disability for Discipline Purposes**

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed

to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

1. The Superintendent, building Principal, or other authorized school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability for discipline purposes.
2. 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:
  - a. conducted an individual evaluation and determined that the student is not a student with a disability, or
  - b. 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 disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law 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.
  - c. The student's parents/persons in parental relation has not allowed an evaluation of the student
  - d. The student's parents/persons in parental relation has refused services

#### **J. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this "Code of Conduct" 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.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in the Commissioner's Regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

**K. 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.

For more detailed information on disciplining students with disabilities, see Part 201 of the Regulations of the Commissioner of Education.

**5300.55 CORPORAL PUNISHMENT**

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

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.

In all cases, the employee is expected to use the minimum amount of force necessary.

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

### **5300.60 STUDENT SEARCHES AND INTERROGATIONS**

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

#### **A. Searches of the Person**

In addition, the Board authorizes the Superintendent, building administrators, the school nurse, and district security officials to conduct a search of students and/or his/her belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district "Code of Conduct." Non-authorized persons may not conduct such searches.

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

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

Whenever practicable, searches will be conducted in the privacy of administrative offices, and to the extent possible a second school official shall be present, and students will be present when their possessions are being searched.

#### **B. Student Lockers, Desks and other School Storage Places**

The rules in this "Code of Conduct" regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable

expectation of privacy with respect to these places, and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent.

### **C. Strip searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Searching a student's shoes, socks and sweatshirt, and the exposure of a student's ankles and waistband does not constitute a strip search where the student is not asked to remove his/her shirt or pants. 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 or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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 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 district "Code of Conduct." 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.

Every effort will be made to notify the student's parents/persons in parental relation by telephone before conducting a strip search. If phone contact cannot be made, the parents/persons in parental relation will be notified in writing that a strip search was conducted.

### **D. 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 or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner, and results of parental notification.

The 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 the Principal's designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Principal or the Principal's designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **E. Law Enforcement Involvement in Searches and Interrogations of Students**

District administration are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Law enforcement 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. Law enforcement 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 law enforcement officials are permitted to question or search any student, the building Principal or the Principal's designee shall concurrently try to notify the student's parent to give the parent the opportunity to be present during the questioning or search by law enforcement. If the student's parents/persons in parental relation cannot be contacted prior to the questioning or search by law enforcement, the questioning or search shall not be conducted. The Principal or the Principal's designee will also be present during any questioning or search by law enforcement of a student on school property or at a school function.

Students who are questioned by law enforcement 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.

### **F. Child Protective Services Investigations**

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

All requests by child protective services to interview a student on school property shall be made directly to the building Principal or the Principal's designee. The Principal or the Principal's designee shall set the time and place of the interview. The Principal or the Principal's 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 or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district administrator or employee 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.

### **5300.65 VISITORS TO THE SCHOOLS**

The Board encourages parents/persons in parental relation and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building Principal or the Principal's 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 before, during, and after school hours:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors must have an appointment to enter school grounds.
3. All visitors to the school must report to the security checkpoint upon arrival at the school. There they will be required to present identification, 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 will be required to return the identification badge to the security check-point before leaving the building or school grounds.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Principal and classroom teacher(s) so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. 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.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this "Code of Conduct."

**5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, safe, supportive, 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 including students, teachers, and 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 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 and must adhere to the guidelines of this "Code".

**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, including graffiti or arson, school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, marital status, sexual orientation, disability, military status, predisposing genetic characteristics or domestic violence victim status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this "Code" applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.

13. Refuse to comply with any reasonable order of identifiable school district administrator performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this "Code."
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
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 subdivision 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**

The building Principal or the Principal's designee shall be responsible for enforcing the conduct required by this "Code."

When the building Principal or the Principal's designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the Principal or the Principal's designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or the Principal's 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 the Principal's 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."

**5300.75 DISSEMINATION AND REVIEW**

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

1. Providing copies of a summary of the "Code" to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
2. Posting a complete copy of the "Code", including any annual updates or amendments thereto, on the District's website.
3. Mailing a plain language summary of the "Code of Conduct" to all parents/persons in parental relations of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all teachers and other staff members with a complete 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 complete copy of the current "Code of Conduct" when they are first hired.
6. Making complete copies of the "Code" available for review by students, parents or other persons in parental relations to students, other school staff and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. 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. On-going professional development will be included in the district's professional development plan, as needed.

**B. Review of Code of Conduct**

The Board of Education will review this "Code of Conduct" every year and update it as necessary. In conducting the review, the Board will consider how effective the "Code's" provisions have been and whether the "Code" has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the "Code" and the district's response to "Code of Conduct" violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

Before adopting any revisions to the "Code," the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

Adoption date: July, 2013

Reviewed: June 11, 2104  
May 13, 2015  
June 8, 2016  
June 14, 2017  
June 13, 2018  
May 8, 2019