

# **SOUTH SENECA CENTRAL SCHOOL DISTRICT CODE OF CONDUCT**

## **Introduction**

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

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

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

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

## **Definitions**

For purposes of this Code, the following definitions apply.

- a) "Disruptive student" means an elementary or secondary student under the age of twenty-one (21) who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- b) "Parent" means parent, guardian or person in parental relation to a student.
- c) "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.
- d) "School function" means any school-sponsored extra-curricular event or activity.
- e) "Violent student" means a student under the age of twenty-one (21) who:
  1. Commits an act of violence upon a school employee.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
  3. Possess, while on school property or at a school function, a firearm or weapon.
  4. Displays, while on school property or at a school function, what appears to be a firearm or weapon.

5. Threatens, while on school property or at a school function, to use a firearm or weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys School District property.
- f) "Firearm" means a firearm as defined in 18 United States Code (USC) Section 921 for purposes of the Gun-Free Schools Act.
- g) "Weapon" means any other gun, BB gun, airgun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

**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 (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**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 must 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 (Education Law Section 11[4] and Executive Law Section 292[21]).

**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 (Education Law Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably

causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

## **Student Rights and Responsibilities**

### Student Rights

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

- a) Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- b) Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- c) Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- d) Attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law.
- e) Have school rules and conditions available for review and, whenever necessary, explanation by school personnel.
- f) Be suspended from instruction only after his/her rights pursuant to Education Law Section 3214 have been observed.
- g) Be respected as individuals and treated with dignity by school authorities with respect to language and action at all times.
- h) Have confidentiality of records maintained by the school for use by appropriate school personnel within the guidelines of the law.
- i) Have freedom of expression that does not interfere with the educational process or the rights of others.
- j) To be protected from intimidation harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

### Student Responsibilities

All District students have the responsibility to:

- a) Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- b) Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
- c) Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- d) Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- e) React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- f) Seek help in solving problems that might lead to discipline.
- g) Dress appropriately for school and school functions.
- h) To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.
- i.) Accept responsibility for their actions.
- j) Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **Essential Partners**

### Parents

All parents are expected to:

- a) Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- b) Send their children to school ready to participate and learn.
- c) Ensure their children attend school regularly and on time.
- d) Ensure absences are excused.
- e) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- f) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

- g) Know school rules and help their children understand them.
- h) Convey to their children a supportive attitude toward education and the District.
- i) Build good relationships with teachers, other parents and their children's friends.
- j) Help their children deal effectively with peer pressure.
- k) Inform school officials of changes in the home situation that may affect student conduct or performance.
- l) Provide a place for study and ensure homework assignments are completed.
- m) Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

### Teachers

All District teachers are expected to:

- a) 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- b) Be prepared to teach.
- c) Demonstrate interest in teaching and concern for student achievement.
- d) Know school policies and rules, and enforce them in a fair and consistent manner.
- e) Communicate to students and parents:
  - 1. Course objectives and requirements;
  - 2. Marking/grading procedures;
  - 3. Assignment deadlines;
  - 4. Expectations for students;
  - 5. Classroom discipline plan.
- f) Plan and execute a program of instruction that will make learning challenging, stimulating and achievable.
- g) Communicate regularly with students, parents and other teachers concerning growth and achievement.

- h) Report to the Principal any student who jeopardizes his own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom.
- i) Interpret the discipline code and expectations for students in all classes and enforce the code in all areas of the school.
- j) Demonstrate desirable standards of behavior through personal example.
- k) Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- l) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- m) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### Guidance Counselors

- a) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- b) Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- c) Regularly review with students their educational progress and career plans.
- d) Provide information to assist students with career planning.
- e) Encourage students to benefit from the curriculum and extracurricular programs.
- f) Maintain confidentiality of records for use by appropriate school personnel within the guidelines of the law.
- g) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- h) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### Principals/Assistant Principal(s)

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b) Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- c) Evaluate on a regular basis all instructional programs.
- d) Support the development of and student participation in appropriate extracurricular activities.
- e) Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- f) Demonstrate desirable standards of behavior through personal example.
- g) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- h) Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

### Superintendent

- a) Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
- b) Review with District administrators the policies of the Board of education and state and federal laws relating to school operations and management.
- c) Inform the Board about educational trends relating to student discipline.
- d) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- e) Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- f) Demonstrate desirable standards of behavior through personal example.
- g) Oversee the competent execution of those policies and practices adopted by the Board of education.
- h) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,

gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

### Board of Education

- a) 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.
- b) 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.
- c) Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

### Teaching Assistants

All District teaching assistants are expected to:

- a) Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- b) Be prepared to assist students.
- c) Demonstrate interest in teaching and concern for student achievement.
- d) Know school policies and rules, and enforce them in a fair and consistent manner.
- e) Communicate regularly to students, parents, and teachers.
- f) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- g) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- h) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### Support Staff

All District support staff, including office personnel, bus drivers, cafeteria workers, and custodians are expected to:

- a) Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- b) Be prepared to assist students.
- c) Know school policies and rules, and enforce them in a fair and consistent manner.
- d) Communicate expectations to students, whether students are in the office, on the bus, in the cafeteria, or in the building.
- e) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- f) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **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:

- a) Be safe, appropriate and not disrupt or interfere with the educational process.
- b) Recognize that extremely brief garments, which may include but are not limited to tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
- c) Ensure that underwear is completely covered with outer clothing.
- d) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- e) Not include the wearing of hats or headwear of any kind, including but not limited to hats, bandanas, visors, hoods, scarves, or headbands, except for a medical or religious purpose.
- f) Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

- g) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

### **Prohibited Student Conduct**

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

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

The Board recognizes the need to make its expectations for student conduct while on 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.

Students may be subject to disciplinary action, up to and including suspension from school and/or extracurricular and co-curricular activities, 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.
  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.

8. Public displays of affection.
- b) Engage in conduct that is insubordinate. Examples of insubordinate 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. Skipping detention.
- c) Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- d) Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a student, teacher, administrator or other school employee, or any other person 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 the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
  6. Intentionally damaging or destroying School District property.
- e) Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. 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.

4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender identity or expression.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Bullying, which includes any hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity.
8. Hazing, which includes committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.
9. Retaliation against any complainants and/or those who participate in the investigation of any complaint in conformity with state law and district policies, and who have acted reasonably and in good faith.
10. Selling, using or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
14. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
15. Inappropriately using or sharing prescription and over-the-counter drugs.
16. Gambling.
17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
18. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

- f) Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.
- g) 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.
- h) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
- i) Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
- j) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- k) 3) 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 can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- l) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
- m) Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.

- n) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- o) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.

### **Student Use of Electronic Communication Devices**

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

Students may also be disciplined or suspended from extracurricular and co-curricular activities when they are determined to have violated the above Code of Conduct off season and/or at off-campus locations or non-school-sponsored events.

### **Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a

school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

### **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:

- a) The student's age.
- b) The nature of the offense and the circumstances which led to the offense.
- c) The student's prior disciplinary record.
- d) The effectiveness of other forms of discipline.
- e) Information from parents, teachers and/or others, as appropriate.
- f) Other extenuating circumstances.

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

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

### 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.

- a) Oral warning – any member of the District staff
- b) Written warning – bus drivers, hall and lunch monitors, teaching assistants, coaches, guidance counselors, teachers, Principals, Superintendent
- c) Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
- d) Detention – teachers, Principal, Superintendent

- e) Suspension from transportation – Director of Transportation, Principal, Superintendent
- f) Suspension from athletic participation – coaches, Athletic Director, Principal, Superintendent
- g) Suspension from social or extracurricular activities – activity director, Principal, Superintendent
- h) Suspension of other privileges – Principal, Assistant Principal, Dean of Students, Superintendent
- i) In-school suspension – Principal, Assistant Principal, Dean of Students Superintendent
- j) Removal from classroom by teacher – teachers, Assistant Principal, Dean of Students, Principal
- k) Short-term (five [5] days or less) suspension from school – Principal, Superintendent, Board
- l) Long-term (more than five [5] days) suspension from school –Superintendent, Board
- m) Permanent suspension from school – Superintendent, Board
- n) Academic misconduct penalty – Teacher and/or Principal

### 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.

- a) Detention

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

- b) Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

c) Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved. In cases deemed appropriate, students may be sent before a review committee to determine athletic and other extracurricular and co-curricular consequences.

d) In-school Suspension/Alternative Educational Setting

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 Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in the "planning room," "in-school suspension" or in an "alternative educational setting."

A student subjected to an in-school suspension or an alternative educational setting is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

e) 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/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, "planning room," or in an administrator's office; (2) sending a student to the Principal's Office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's

authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two (2) days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/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/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within twenty-four (24) hours, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

The teacher must complete a District-established disciplinary removal form and meet with the Principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal 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 completed form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within twenty-four (24) hours after the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The Principal or another District administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/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 twenty-four (24) hours, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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 a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight (48) hours of the student's removal, provided that if such forty-eight (48) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one (1) 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 Section 3214 and a suspension will be imposed.

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/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/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/her class until he/she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

f) Suspension from School

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

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

1. Short Term (five [5] days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

After the conference, the Principal shall promptly advise the parents in writing of his/her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five (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 ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within ten (10) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision.

## 2. Long Term (more than five [5] days) Suspension from School

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

The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording or digital recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact

and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

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

### 3. Permanent Suspension

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

#### Minimum Periods of Suspension

##### a) Students who Bring to or Possess a Firearm or Weapon at School

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on school property will be subject to suspension from school for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The Superintendent has the authority to modify the one (1) 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.

##### b) Students who Commit Violent Acts Other than Bringing to or Possessing a Firearm or Weapon at School

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or weapon on school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's 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 (5) day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one (1) year suspension for possessing a weapon.

- c) 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 (5) days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214 (3-a) and this code on four (4) or more occasions during a semester. If the proposed penalty is the minimum five (5) 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 (5) day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five (5)-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one (1) year suspension for possessing a weapon.

### Referrals

- a) Counseling

An Administrator, Social Worker, or Guidance Counselor may refer a student to counseling.

The Principal's Office or the Guidance Office shall coordinate all referrals of students to counseling.

- b) PINS Petitions

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

1. Being habitually truant and not attending school as required by Education Law Article 65 Part One.
2. 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.
3. Knowingly and unlawfully possesses marijuana in violation of Penal Law Section 221.05. A single violation of Section 221.05 will be a sufficient basis for filing a PINS petition.

- c) 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:

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

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

### **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 Section 3214, the District will take immediate steps to provide alternative means of instruction for the student.

### **Discipline of Students with Disabilities**

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

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

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

- a) For purposes of this section of the code of conduct, the following definitions apply.

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

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

An "IAES" means a temporary educational placement for a period of up to forty-five (45) days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

- b) School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
1. The Board, the District (BOCES) Superintendent of Schools or a 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.
  2. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  3. The Superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  4. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - (a) "Weapon" means the same as "dangerous weapon" under 18 United States Code (USC) Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except.[for] a pocket knife with a blade of less than two and one half (2 1/2) inches in length."
    - (b) "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.
    - (c) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- c) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

#### Change of Placement Rule

- a) A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
1. For more than ten (10) consecutive school days; or

2. For a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- b) School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

#### Special Rules Regarding the Suspension or Removal of Students with Disabilities

- a) The District's Committee on Special Education shall:
1. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
- If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than ten (10) school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
- If one (1) 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.
2. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- b) 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, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
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 a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

- c) The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

- d) The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
- e) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- f) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such

removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

- g) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

## **Time Out Room**

The Board of Education recognizes that the use of a time out room may be an effective and safe means for a student with a disability to deescalate, regain control and prepare to meet the expectations to return to his or her education program. It also recognizes that it may be necessary to remove a student from a potentially dangerous situation:

to protect oneself from physical injury;

to protect another pupil or teacher or any person from physical injury;

to protect the property of the school, school district, or others; or

to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

Except where there is an unanticipated and immediate concern for the physical safety of a student or others, a time out room is to be used only in conjunction with a student's behavioral intervention plan.

A student may not be placed in a locked room as a means of "time out" and may not be placed in a room, or in a space within a room, where the student cannot be continuously observed and supervised. Any and all time out rooms must conform to the requirements set forth below.

A student may be placed in a time out room (1) in accordance with that student's behavioral intervention plan, which is to include specification of factors to determine the need for use of the time out room and limitations for the time to be spent in the time out room, or (2) if not designated on a behavioral intervention plan, when the student's behavior poses an immediate and unanticipated concern for the physical safety of that student or of others, and/or to enable the student to safely deescalate and regain control.

Use of a time out room for an individual student may not exceed that time designated on the student's behavioral intervention plan or, if not so designated, may not exceed ninety minutes per incident. If the student is not able to safely return to his or her education program after the time specified in the behavioral intervention plan, the staff shall adhere to the behavioral intervention plan for other behavioral interventions. If there is not a behavioral intervention plan, or if the behavioral intervention plan does not specify use of the time out room, the student's parent will be called and arrangements made for the student's removal from the school if the student is not able to safely return to his or her education program after ninety minutes.

All parents of students with a disability whose behavioral intervention plan specifies the use of a time out room shall be provided with a copy of this policy and shall be notified prior to its implementation that the plan incorporates the use of a time out room and that they have the right to view the physical space to be utilized as a time out room.

Staff shall continuously monitor any student in the time out room. The school will establish and implement procedures to document the use of the time out room. Data will be gathered to monitor the effectiveness of the use of the time out room. Such information shall include the student's name, factors precipitating the time out intervention, the times the student entered and exited the time out room, the student's behavior during and upon exit of the time out room, and the names of the staff member(s) who initiated the time out room placement, supervised the student during the time out procedure, and removed the student from the time out room. This information is to be made available to the CSE and, upon request, to the student's parents.

The Director of Special Programs is to arrange for training of staff regarding this policy and procedures related to the use of the time out room.

### Expedited Due Process Hearings

- a) An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  1. 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/her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings.
  2. 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.
    - (a) 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.
    - (b) 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.
- b) An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the District and the parents within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

### Referral to law enforcement and judicial authorities

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

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

### **Corporal Punishment**

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

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

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

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

### **Student Searches and Interrogations**

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

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District code of conduct.

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

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

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

### 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.

### Documentation of Searches

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

- a) Name, age and grade of student searched.
- b) Reasons for the search.
- c) Name of any informant(s).
- d) Purpose of search (that is, what item(s) were being sought).
- e) Type and scope of search.
- f) Person conducting search and his/her title and position.
- g) Witnesses, if any, to the search.
- h) Time and location of search.
- i) Results of search (that is, what items(s) were found).
- j) Disposition of items found.
- k) Time, manner and results of parental notification.

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

### Use of Drug-Sniffing Dogs

Dogs may be used from time to time to detect illegal drugs and substances in the District's lockers, parking lots, and/or classrooms. The use of dogs is to combat the illegal use or possession of drugs and other substances by students while in the school. The following guidelines apply to the use of drug-sniffing dogs:

- a) After consultation with the Superintendent, who will consult with the Board President, the High School Principal will contact the appropriate law enforcement

agency and arrange for a time and day to bring the dog to the building. No one will be aware of the time and date except the Superintendent, Board President, Building Principal, and law enforcement agent.

- b) When the dog arrives, the Principal will inform staff on the public address system to keep students in the classrooms. Students who are in the halls will be asked to go back to their classrooms. Students in the commons area will be escorted to the media center.
- c) The Principal will accompany the law enforcement agent and dog on a search through one (1) or all of the following: the halls, locker rooms, classrooms, and/or parking lots. Should the dog stop and show any interest in a particular object (e.g., book bag, jacket, etc.) the Principal will remove the object and take it to the Main Office for appropriate follow-up action according to the discipline policy and state laws. The student should be present when the object of suspicion is examined. Consideration will be given to respect the individual privacy of the student(s) involved.
- d) After the search, the Principal will ask the law enforcement agent to remove the dog from the school grounds.

#### Police Involvement in Searches and Interrogations of Students

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

- a) A search or an arrest warrant; or
- b) Probable cause to believe a crime has been committed on school property or at a school function; or
- c) Been invited by school officials.

Before police officials are permitted to question or search any student, the Principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

- a) They must be informed of their legal rights.
- b) They may remain silent if they so desire.
- c) They may request the presence of an attorney.

#### **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 Principal or his/her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official

to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his/her clothing in front of a child protective services worker or School District official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he/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.

### **Visitors to the Schools**

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

- a) Anyone who is not a regular staff member, school Board member, or student of the school will be considered a visitor.
- b) All visitors to the school must report to the office of the Principal or the Greeter's Station upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn and be visible at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's Office or the Greeter's Station before leaving the building.
- c) Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- d) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- e) Teachers should not take class time to discuss individual matters with visitors.
- f) Any unauthorized person on school property will be reported to the Principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

- g) All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **Public Conduct on School Property**

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

### **Prohibited Conduct**

No person, either alone or with others, shall:

- a) Intentionally injure any person or threaten to do so.
- b) Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- c) Disrupt the orderly conduct of classes, school programs, athletic events, or other school activities.
- d) 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.
- e) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- f) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g) Obstruct the free movement of any person in any place to which this code applies.
- h) Violate the traffic laws, parking regulations or other restrictions on vehicles.
- i) 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.

- j) 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.
- k) Loiter on or about school property.
- l) Gamble on school property or at school functions.
- m) Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- n) Willfully incite others to commit any of the acts prohibited by this code.
- o) Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

### Penalties

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

- a) 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.
- b) Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- c) Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.
- d) Staff members in the classified service of the civil service entitled to the protection of Civil Service Law Section 75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- e) Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### Enforcement

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his/her 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 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.

## **Dissemination and Review**

### Dissemination of Code of Conduct

#### **Dissemination of Code of Conduct**

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

- 1) Providing a public hearing prior to Board approval.
- 2) Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- 3) Making copies of the Code available to all parents at the beginning of the school year.
- 4) Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
- 5) Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
- 6) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 7) Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The Board of Education, via a committee of representative stakeholders, 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.

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

#### Review of Code of Conduct

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

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 (1) public hearing at which school personnel, parents, students and any other interested party may participate.

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