

RED HOOK CENTRAL SCHOOL DISTRICT

POLICY # 5300-A

Code of Conduct

I. Introduction

The Red Hook Central School District 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 District recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board of education adopts this code of conduct ("code"). Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

For purposes of this code, the following definitions apply:

- A. "Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- B. "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. §11(4) and Executive Law §292(21)).
- C. "Cyber bullying" means harassment or bullying as defined in subdivision "L" of this section where such harassment or bullying occurs through any form of electronic communication.

- D. "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 §§ 11(4) and 1125(3)).
- E. "Parent" means parent, guardian or person in parental relation to a student.
- F. "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 Education Law §11(1).
- G. "School Bus" means every motor vehicle owned by a public or governmental agency or private school 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 §11(1) and Vehicle and Traffic Law §142).
- H. "School function" means any school-sponsored extra-curricular event or activity on or off school property as defined in Education Law §11(2).
- I. "Sexual Orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.
- J. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.
- K. "Harassment" or "bullying" shall mean the creation of a hostile school environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law §11(8), that either has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, and/or physical well being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such conduct includes acts of harassment and/or bullying that occur (1) on school property; and/or (2) at a school function or (3) off school property where such acts of harassment and bullying create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include but are not limited to nonverbal and verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

- L. “Hostile Environment” in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- M. “Emotional Harm” in the context of harassment and bullying refers to harm to a student’s emotional well being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- N. “Material Incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of subpart K of this section, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.
- O. “Violent students” means a student under the age of 21 who:
- Commits an act of violence upon a school employee, or attempts to do so;
 - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
 - Uses or possesses a weapon, while on school property or at a school function;
 - Displays, while on school property or at a school function, what appears to be a weapon;
 - Threatens, while on school property or at a school function, to use a weapon;
 - Damages or destroys knowingly and intentionally the personal property of any school employee or any person lawfully on school property or at a school function;
 - Damages or destroys knowingly and intentionally school district property.
- P. “Violent or disruptive incident” shall include, but is not limited to, the following categories of incidents that occur on school property of the school district, board of cooperative educational services or county vocational education and extension board:
- a. Possession of a weapon, including a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, incendiary bomb, ammunition, imitation ammunition or exploding substances, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
 - b. Weapon use
 - c. Homicide
 - d. Personal injury and intimidation
 - e. Assault
 - f. Criminal harassment

III. Student Rights and Responsibilities

A. Student Rights

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

1. take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability;
2. present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty;
3. access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be protected from intimidation, harassment, bullying or discrimination based on actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity, sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity.

B. Student Responsibilities

All district students have the responsibility to:

1. contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property;
2. be familiar with and abide by all district policies, rules and regulations dealing with student conduct;
3. attend school every day unless they are legally excused and be in class, on time, and prepared to learn;
4. work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
5. react to direction given by teachers, administrators and other school personnel in a respectful, positive manner;
6. work to develop mechanisms to control their anger;
7. ask questions when they do not understand;
8. seek help in solving problems that might lead to discipline;
9. dress appropriately for school and school functions;
10. accept responsibility for their actions;
11. conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold them to the highest standards of conduct, demeanor, and sportsmanship.
12. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination.

IV. Essential Partners

A. Parents

All parents are expected to:

- 1.** recognize that the education of their child(ren) is a joint responsibility of the parent and the school community;
- 2.** send their children to school ready to participate and learn;
- 3.** ensure their children attend school regularly and on time;
- 4.** ensure absences are excused;
- 5.** insist their children be dressed and groomed in a manner consistent with the student dress code;
- 6.** help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment;
- 7.** know school rules and help their children understand them;
- 8.** convey to their children a supportive attitude toward education and the district;
- 9.** build good relationships with teachers, other parents and their children's friends;
- 10.** help their children deal effectively with peer pressure;
- 11.** inform school officials of changes in the home situation that may affect student conduct or performance;
- 12.** provide a place for study and ensure homework assignments are completed;
- 13.** Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race, color, height, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

B. Teachers and Staff

In recognition of their charge to educate all of the children of our community with the acceptance and expectation that each child can learn, it shall be the responsibility of the teachers and staff to:

- 1.** reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student;
- 2.** guide learning activities so students learn to think and reason, assume responsibility for their actions, and respect for the rights of others;
- 3.** participate in the establishment of school rules and regulations regarding observance of them;
- 4.** enable students to discuss their problems by listening to students, decision-making process;
- 5.** be fair, firm, and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on school campus, and at all school sponsored activities;
- 6.** give positive reinforcement for acceptable behavior;
- 7.** demonstrate, by work and personal example, respect for law, order, and self-discipline;
- 8.** refer to a counselor or administrator any student whose behavior requires a special attention;
- 9.** seek to develop close cooperative relationships with parents for the parents and by

- sending communications home promptly;
- 10.** interact with students and other faculty and staff in a positive and respectful manner.
 - 11.** Confront issues of discrimination, bullying and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
 - 12.** Report incidents of discrimination, bullying and harassment that are witnessed by teachers or other instructional staff or who receive an oral or written report of such conduct shall promptly be orally reported to the building administrator, superintendent or their designee, and/or Dignity Act Coordinator (DAC) within one (1) school day of when they witness or receive the report and within two (2) school days thereafter shall file a written report with the principal, superintendent or their designee.

C. Principals, Assistant Principals and Deans

In recognition of their charge to educate all of the children of our community with the acceptance and expectation that each child can learn, it shall be the responsibility of the principals, assistant principals, and deans to:

- 1.** promote a safe, orderly and stimulating school environment that supports active teaching and learning;
- 2.** ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances;
- 3.** evaluate on a regular basis all instructional programs;
- 4.** support the development of and student participation in appropriate extracurricular activities;
- 5.** be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 6.** Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are submitted to the Principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
- 7.** When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to the provisions of 100.2(1)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.
- 8.** Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
- 9.** Shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- 10.** Shall provide a regular report on data and trends related to harassment, bullying and/or discrimination to the Superintendent. A "regular report" shall mean at least once during each school year in a manner proscribed by the District.

D. Superintendent and District Administration

In recognition of their charge to educate all children of our community with the acceptance and expectation that each child can learn, it shall be the responsibility of the superintendent and District Administration to:

1. promote a safe, orderly and stimulating school environment that supports active teaching and learning;
2. review with district administrators the policies of the board of education and state and federal laws relating to school operations and management;
3. inform the board about educational trends relating to student discipline;
4. work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
5. work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Promote a safe, orderly, respectful and positive school environment, free from intimidation, harassment and discrimination.
7. The Superintendent and/or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination to ensure that such investigation is completed promptly after receipt of any written reports made under Education Law section 13.
8. When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to the provisions of section 100.2(l)(2)(ii)(h), reasonably calculated to end harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate and prevent recurrence of the behavior.
9. The Superintendent and/or their designee shall ensure the safety of the student or students against whom harassment, bullying and/or discrimination was directed.
10. The Superintendent and/or their designee shall notify promptly the appropriate law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
11. Shall receive the regular report on data and trends related to harassment, bullying and/or discrimination from the principal.

E. Board of Education

In recognition of their charge to educate all of the children of our community with the acceptance and expectation that each child can learn, it shall be the responsibility of the board of education to:

1. collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions;
2. adopt and review, at least annually, the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation;
3. Appoint a Dignity Act Coordinator (DAC) in each school building who has the appropriate licensure and/or certification by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of schools.

4. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.
5. Ensure that each Dignity Act Coordinator appointed will be thoroughly trained to handle human relations in areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex.
6. Ensure that each Dignity Act Coordinator appointed shall be provided with training which addresses the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.
7. Ensure that each Dignity Act Coordinator will be provided with training in the identification and mitigation of harassment, bullying and discrimination.
8. Ensure that each Dignity Act Coordinator shall be provided with training strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
9. Ensure that each Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
10. Designate the school employee(s) charged with receiving reports of harassment, bullying and discrimination.
11. Submit an annual report of material incidents of harassment, bullying and/or discrimination that occurred in such school year to the Commissioner in accordance with Education Law Section 15.
12. lead by example, by conducting board meetings in a professional, respectful, and courteous manner.

V. 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 reinforce acceptable student dress and help students develop and understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

1. be safe, appropriate and not disrupt or interfere with the educational process;
2. recognize that extremely brief, see-through, or tight fitting garments are not appropriate;
3. ensure that underwear is appropriately covered with outer clothing;
4. include footwear at all time, but not footwear that is a safety hazard;
5. not include the wearing of hats and other headgear in the classroom except for a medical or religious purpose. The wearing of hats and headgear in other parts of the building that may be permitted (subject to the discretion of the building administrator).
6. not include items that are vulgar, obscene, libelous, or denigrate others on

account of actual or perceived race, color, height, weight, religion or religious practice, creed, national origin, gender and gender identity, sexual orientation, sex or disability;

7. not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, violent or sexual 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.

VI. Prohibited Student Conduct

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

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

The board recognized 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, when they:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

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 a 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 violation of the district's acceptable use policy.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. failing to comply with the reasonable directions of teachers, school administrators or other school employee 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:
1. failing to comply with the reasonable directions of teachers.
 2. failing to comply with school administrators or other school personnel in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. committing an act of violence (such as hitting, kicking, punching, biting, and scratching) upon a teacher, administrator or other school employee or attempting to do so;
 2. committing an act of violence (such as hitting, kicking, punching, biting, and scratching) upon another student or any other person lawfully on school property or attempting to do so;
 3. possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
 4. displaying what appears to be a weapon under circumstances which, in the judgment of the district administrator, constitute a danger to the school environment;
 5. threatening the use of any weapons;
 6. 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.
 7. Intentionally damaging or destroying school district property.
 8. Engaging in harassing, bullying or discriminatory conduct, including through threats, intimidation or abuse which may include verbal and non-verbal actions, which has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would be reasonably expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a physical injury to a student or to cause a student to fear for his or her physical safety; or well being or creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property (e.g., cyber bullying).
- E. Engage in conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. selling, using or possessing obscene material;
 2. using vulgar or abusive language, cursing or swearing;

3. possessing or using a cigarette (or e-cigarette), cigar, pipe or using chewing or smokeless tobacco;
4. possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs";
5. sharing, selling, or transferring prescription and over-the-counter drugs;
6. gambling;
7. indecent exposure, that is, exposure to sight of private parts of the body in a lewd or indecent manner;
8. initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, discharging a fire extinguisher, writing or telephoning a bomb threat, false alarm, arson, or riot;
9. menacing by intentionally placing or attempting to place another person in fear of imminent fear of physical injury;
10. sexual offenses such as rape, sodomy, sexual abuse, or other inappropriate conduct of a sexual nature.
11. Discrimination, which includes the use of actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, gender, gender identity sexual orientation or disability as a basis for treating another in a negative manner.
12. Harassment and bullying, which includes the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse, including cyber-bullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such acts of harassment and bullying include those that occur on school property; at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Harassing and bullying behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender and gender identity.
13. Intimidation or bullying. Threatening, stalking or seeking to coerce or compel a person to do something; engaging in nonverbal or verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practices, gender, gender identity and expression, sexual orientation, age or disability that substantially disrupts the educational process 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. Intimidation, cyber-bullying and bullying are forms of harassment.

14. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.
 - G. Engage in any form of academic misconduct. Examples of academic misconduct include:
 1. plagiarism
 2. cheating
 3. copying
 4. altering records
 5. assisting another student in any of the above actions
 - H. Operate a motor vehicle in an unsafe or unlawful manner on district property.

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his/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. Any student observing a student being harassed, bullied and/or discriminated against by another student or a staff member shall report this information either orally or in writing immediately to a teacher, the Principal, the Principal's designee, the Superintendent of Schools or the Dignity Act Coordinator.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts shall report the incident orally within one (1) school day to the Principal, the Principal's designee, the Superintendent or the Dignity Act Coordinator. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days following receipt. The District's Building Principal, Superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written report made.

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Superintendent, Principal or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to the provisions of Section 100.2(1)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.

Any retaliation against an individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited.

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 if warranted, which may include permanent suspension and referral for prosecution. Such illegal substances will be handed over to appropriate law enforcement officials.

The building principal or his or her designee must notify the New York State Commissioner of Education, in a report containing no student identification, code violations that constitute a crime. The principal or designee must notify the appropriate local law enforcement agency of violations of the code constitute a crime and substantially affect the order or security of a school. This notification must identify the student(s) and explain the conduct that violated the code and constituted a crime. Every effort must be made to notify the parent(s) or guardian(s) of the student(s) involved as soon as possible after the alleged violation. These notifications may be made by telephone.

A. Submission of Report

The school district shall annually submit its report on violent or disruptive incident, in the manner described by the Commissioner, on or before September 30, commencing with September 30, 2002.

B. Content of the Report

Each annual violent or disruptive incident report shall be in a form prescribed by the Commissioner and shall contain information concerning each violent or disruptive incident that occurred in the prior school year.

C. Preparation of Report

Each annual violent or disruptive incident report to the Commissioner shall contain disaggregated information on the offenders, actions taken by the school in response and student discipline or referral actions taken as is available on the date the annual report is submitted.

D. Local Procedures

The Board will establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained and are available for inspection by the department upon request.

E. Confidentiality

Pursuant to subdivision 6 of section 2802 of the Education Law, all personally

identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.

VIII. Disciplinary Penalties

A. 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 a student's ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. Interventions may address a student's motivation, social skills, problem-solving abilities, and may include positive reinforcement strategies and/or logical meaningful consequences. 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.

In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

B. 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 a student's right to due process:

1. oral warning – any member of the district staff
2. written warning – bus drivers, hall and lunch aides/monitors, coaches, teachers, dean, assistant principal, principal, superintendent
3. written notification to parent – bus drivers, hall and lunch aides/monitors, coaches, teachers, dean, assistant principal, principal, superintendent
4. detention – teachers, dean, assistant principal, principal, superintendent
5. Suspension from transportation – director of transportation, dean, assistant principal, principal, superintendent
6. suspension from athletic participation – coaches, athletic director, dean, assistant principal, principal, superintendent
7. suspension from social or extracurricular activities – activity advisor, dean, assistant principal, principal, superintendent
8. suspension of other privileges – dean, assistant principal, principal, superintendent
9. in-school suspension – dean, assistant principal, principal, superintendent
10. Removal from classroom by teacher – teachers, dean, assistant principal, principal
11. Short-term (five days or less) suspension from school - principal, superintendent, board of education
12. Long-term (more than five days) suspension from school – superintendent, board of education.
13. Permanent suspension from school – superintendent, board of education
14. Loss of grades or honors – teacher, assistant principal, principal

C. Procedures

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

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use in school, lunch, and after school detention as a penalty for student misconduct. Students who are assigned after school detention will be required to notify their parents of the assigned after school detention on the day it is assigned. Parents may object to after school detention based on childcare needs, medical appointments, and household emergencies, in which case alternative consequences will be imposed.

2. Suspension from transportation

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

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

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

3. Suspension from athletic participation, extracurricular activities and other privileges

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

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension". The in-school suspension teacher will be a certified teacher (when available).

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

5. Teacher removal of disruptive students

New York State legislation now authorizes teachers to remove students from their classrooms when the teacher determines that their behavior substantially impedes the educational process or interferes with the teacher's authority. Teacher removal of disruptive students is an additional tool to classroom management techniques that have traditionally been used by teachers. Teachers may still utilize various behavior management strategies and interventions to deal with the behavior of students that may involve having the student briefly leave the classroom as they have done in the past.

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. The following time-honored classroom management techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code, 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. In instances of severely disruptive behavior, a teacher may remove the student without attempting to implement a behavior management strategy.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to only the class of the removing teacher. In the case of an elementary school teacher this removal may be up to the remainder of that school day and the next consecutive school day.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four hours.

The teacher must complete a district-established disciplinary form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the disciplinary form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary. Each teacher should keep a copy of the disciplinary form. The principal must keep a log of all removal of students from class.

Within twenty-four hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet 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 one business day of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the 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 two school days of the student's removal. 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 of the following:

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

The principal or his or her designee may overturn a removal at any point between receiving the disciplinary form issued by the teacher and the close of business on the day following the period for the informal conference with parents (if a conference is requested).

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the Chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation. The teacher will be provided and become familiar with behavior intervention plans to address the student's behavior that is included in the student's IEP or BIP.

6. Suspension from school

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

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

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 referrals shall be made in writing unless the conditions underlying the recommendation or prepared as soon as possible by the staff member.

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

a) Short-term (5 days or less) Suspension from School

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

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

b) Long-term (more than 5 days) Suspension from School

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

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

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

3. Permanent suspension

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

D. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

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

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts, other than bringing weapons to school

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

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

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

E. Referrals

1. Counseling

The Child Study Team (or Pupil Assessment Team) shall handle all referrals of students to counseling. Referrals to the CST/PAT may be made by parents, teachers, administrators, and other school personnel.

2. PINS Petition

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

- a. being habitually truant and not attending school as required by Article 65 of the Education Law;
- b. engaging in an ongoing or continual course of conduct which beyond the

lawful control of the school;

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

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the Family Court:

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

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

IX. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant the Education Law § 3214, the district will take immediate steps to provide alternative means of instruction for the district.

X. 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 law and regulations.

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

A. Authorized Suspension or Removals of Students with Disabilities

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

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

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

“IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. Such placement enables the student to continue to progress in the general curriculum, although in another setting; 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 includes services and modifications to address the behavior which precipitated

the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The superintendent may order the placement of a student with a disability in and IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

“Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”

“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.

“Illegal Drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a

series of suspensions or removals that constitutes a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removal to one another.

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

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

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

1. The district's Committee on Special Education shall:

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

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

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to:
 1. place the student in an IAES either for misconduct involving weapons, illegal drugs/controlled substances, or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or
 2. impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for serviced 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.

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

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

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

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
2. 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.
3. 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.
4. An expedited due process hearing shall be completed within 15 business days of receipt of the request for hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

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

XI. Corporal Punishment

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

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

- protect oneself, another student, teacher or any person from physical injury;
- protect the property of the school or others;
- restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

XII. Student Searches and Interrogations

The 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, the dean of students and/or any school administrator 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 a school administrator or dean of students. When there is a danger of harm to persons or property, the school is not required to contact a student's parent before questioning the student. In other cases of serious violations of the code of conduct or the law, the school will make an effort to contact the student's parents to tell them that the student will be questioned, but will not necessarily delay the questioning until a parent arrives. In all cases of questioning a student, the school will notify the parents within a reasonable time thereafter if there was not prior or contemporaneous notification. School administrators will tell students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, dean of student, and the school nurse to conduct searches of students and their belongings if the authorized person 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 administrator, school nurse, or dean of students may conduct a search of a student's belongings that is minimally intrusive, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school administrator, school nurse, or dean of students may search a student or the student's belongings based upon information received from a reliable informant leading the administrator, school nurse, or dean of students to believe that the search will result in evidence of a serious violation of the code of conduct or the law. Individuals, other than the district employee, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or 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.

A. 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.

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly documenting the facts surrounding the search.

The Principal or his/her 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 or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. 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:

1. a search or an arrest warrant and time is of the essence for reasons of safety; or
2. probable cause to believe a crime has been committed on school property or at a school function; or
3. been invited by school administrator or the dean of students onto school property for the purpose of conducting an investigation (and after school administrator has first attempted to notify the parents)

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. 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.

D. 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 building principal or his or her designee. The principal or his or her 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 or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

XIII. Visitors to the School

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

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

XIV. Public Conduct on School Property

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

teachers and district personnel.

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;
2. intentionally damage or destroy school district property which would include graffiti or arson., or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. disrupt the orderly conduct of classes, school programs or other school activities;
4. distribute or wear material on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, religion or religious practices, age, gender, gender identity or expression, sexual orientation or disability on school grounds or at a school function.
6. enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. obstruct the free movement of any person in any place to which this code applies;
8. violate the traffic laws, parking regulations or other restrictions on vehicles;
9. possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. possess or use weapons in or on school property or at a school function, except in the case of law enforcement officer or except as specifically authorized by the school district;
11. loiter on or about school property;
12. gamble on school property or as school functions;
13. refuse to comply with any reasonable order of identifiable school district officials performing their duties;
14. incite others willfully to commit any of the acts prohibited by this code;
15. violate any federal or state statute, local ordinance or board policy while on school property or while at a school function;
16. smoke or use tobacco products that are prohibited on school grounds, at school function, and in school vehicles.

B. Penalties

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

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

C. Enforcement

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

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

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. providing copies of a summary of the code to all students at the beginning of each school year.
2. making copies of the code available to all parents at the beginning of the school year.
3. Mailing or emailing 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;
4. providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption;
5. providing all new employees with a copy of the current code of conduct when they are first hired;
6. making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations

of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. 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 code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

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| 1st Reading | 5/24/01 |
| 2nd Reading & Adopt | 6/28/01 |
| Revised: | 1/21/15 |