

## **Code of Conduct**

### **I. Introduction**

The Carmel 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 and the members of the Board of Education and administrative and teaching staff are committed to leading by example.

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

### **II. Definitions**

For purposes of this code, the following definitions apply. “*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.

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

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

“*School function*” means any school-sponsored extracurricular event or activity, whether on or off school property. (Reference policy 5205, “Eligibility for Extracurricular Activities” including 5205R, “Carmel High School Eligibility Requirements” and exhibit 5205E, “Extra-curricular Code of Conduct”)

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

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

“*Weapon*” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, any knife, including but not limited to switchblade knife or gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, bullets, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

#### **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 or sexual orientation or disability.
2. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
3. When involved or alleged to be involved with a violation, present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

#### **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. Respond 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 and seek help in solving problems that might lead to discipline.
8. Dress appropriately for school and school functions.
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### IV. **Essential Partners**

##### A. **Parents**

*All parents are expected to:*

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn ensuring they are attending regularly and on time.
3. Ensure absences are excused.
4. Insist their children be dressed and groomed in a manner consistent with the student dress code
5. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
6. Know school rules and help their children understand them.
7. Build good relationships with teachers, other parents and their children's friends.
8. Help their children deal effectively with peer pressure.
9. Inform school officials of changes in the home situation that may affect student conduct or performance.
10. Provide a place for study and ensure homework assignments are completed.
11. Work with our schools to maintain open and respectful communication.
12. Teach their children respect and dignity for themselves, and other students

regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

## **B. Teachers**

*All District teachers are expected to:*

1. Maintain a climate of mutual respect and dignity for all students, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach, demonstrating interest in teaching and concern for student achievement
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
5. Communicate with students, parents and other teachers about student growth and achievement.
6. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
9. Respond positively to questions from students.
10. Maintain confidentiality in accordance with federal and state law.
11. Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting.

## **C. Pupil and Building Support Staff (Guidance Counselors, Psychologists, Social Workers, Deans, Assistant Principals, Student Assistant Counselors)**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review educational progress and career plans with students, providing information and input as needed.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Assist students and families in accessing outside referrals as appropriate.
6. Provide follow-up with students, families, and teachers to support on-going progress in the above initiatives.
7. Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
10. Assist in orientation of new students.
11. Maintain confidentiality in accordance with federal and state law.
12. Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting.

#### D. Expectations for Other School Staff

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building

administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### **E. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting 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 instructional programs on an on-going basis.
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. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
8. Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting.

#### **F. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review the policies of the Board of Education and state and federal laws relating to school operations and management with administrators.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Address all areas of school-related safety concerns.
7. Support the development of and participation in appropriate extracurricular activities.
8. Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and an educational setting.
9. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

10. Be responsible for all State required training of staff members.

### **G. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel ensuring a code of conduct that clearly defines expectations for the conduct of students.
2. Adopt and/or annually review 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 in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
5. Maintain confidentiality in accordance with federal and state law;
6. Comply with state educational law regarding mandated reporting of suspected child abuse in an educational setting.

### ***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 exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments are not appropriate.
3. Include safe footwear at all times.
4. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the

school year and any revisions to the dress code made during the school year. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and be subject to discipline with repeated violations of the code.

#### 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 for misbehavior. District personnel who interact with students are expected to place emphasis on the students' ability to grow in self-discipline use disciplinary action only when necessary. The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

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

##### A. **Engage in conduct that is disorderly and/or disruptive including:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of cell phones computers, software, or internet/intranet account; accessing inappropriate websites, or any other violation of the District's acceptable use policy.



**B. Engage in conduct that is insubordinate including:**

1. Failing to comply with the directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for or missing class or leaving school without permission.
3. Skipping detention.
4. Not following rules or engaging in conduct prohibited by District Code of Conduct.

**C. Engage in conduct that is violent, including:**

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

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

7. 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.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Distributing, possessing, selling or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
11. Possessing, consuming, selling, distributing or exchanging alcohol, alcoholic beverages, illegal substances or possessing and representing something to be an illegal substance, being under the influence of either, or inappropriately using or sharing prescription or over-the-counter drugs,. (“Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroine, steroids, synthetic drugs, look-alike drugs, and any substances commonly referred to as “designer drugs.”) (reference policy 5312.1, “Drug and Alcohol Abuse”)
12. Inappropriately possessing, using, sharing, selling or distributing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

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

**F. Engage in any form of academic misconduct, including:**

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

***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 or 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 building principal, the principal's designee or the Superintendent.

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.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

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

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial.

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

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

As a general rule, discipline will be progressive. This means that a student's first

violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

#### A. Penalties

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

1. Oral warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, deans and assistant principals, principal, director of pupil services, Superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, deans and assistant principals, principal, Superintendent.
4. Detention – [teachers], deans and assistant principals, principal, Superintendent
5. Suspension from transportation – director of transportation, principal, director of pupil services, Assistant Superintendents, Superintendent
6. Suspension from athletic participation – coaches, deans and assistant principals, principal, Superintendent
7. Suspension from social or extracurricular activities – activity director, deans and assistant principals, principal, Superintendent. (reference policy 5205 including 5205R and exhibit 5205E)
8. Suspension of other privileges – deans and assistant principals, principal, Superintendent.
9. In-school suspension – principal, Superintendent
10. Removal from classroom by teacher – teachers, deans and assistant principals, principal
11. Short-term (five days or less) suspension from school – Principal, Acting Principal\*, Superintendent, Board of Education. [Superintendent, Board of Education.] \*Must be designated “Acting Principal” by Board of Education resolution and be authorized to act when Principal is out of building or otherwise unavailable.
12. Long-term (more than five days) suspension from school – Superintendent, Board of Education.
13. Permanent suspension from school – Superintendent, Board of

Education

## **B. Infractions with Penalty References**

1. Disturbances which disrupt instruction (insert penalty # from above)
2. Repeatedly disruptive and/or substantially interferes with the teacher's authority in class, giving rise to removal on four or more occasions per semester (insert penalty # from above)
3. Abusive language and/or indecent gestures directed at staff, students or visitors on school grounds or at school functions (insert penalty # from above)
4. Carelessness in failing to follow school rules and staff directions (insert penalty # from above)
5. Dress or grooming which is inappropriate as described in this code (insert penalty # from above)
6. Possession or dissemination of obscene materials (insert penalty # from above)
7. Smoking Possession, use, consumption, distribution and/or sale of other tobacco and/or nicotine products including but not limited to cigars, cigarettes, all forms of tobacco, hookah, vape cigarettes, e-cigarettes, and vaporizers.use on campus or at school functions (insert penalty # from above)
8. Cheating in any academic, extra-curricular activity ([insert penalty # from above] and/or academic sanction)
9. Abusive and/or indecent language and or gestures directed at school employees or students on school grounds or at school functions which provoke a fight (insert penalty # from above)
10. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code and for failing to notify a parent of assignment to detention (insert penalty # from above)
11. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation (insert penalty # from above)
12. Fighting between students where harm is caused to one or more of the combatants (insert penalty # from above)
13. A fight involving the use or threatened use of a dangerous or deadly weapon (insert penalty # from above)

14. Any violent act against a teacher or other staff member, as described in this code (insert penalty # from above)
15. Any violent act against another student or person in the schools or at a school function, as described in this code (insert penalty # from above)
16. Possession of dangerous or deadly weapons on school property (insert penalty # from above)
17. Possession and/or use and/or distribution and/or sale and/or being under the influence of alcohol, illegal drugs, dangerous drugs, counterfeit drugs, synthetic drugs (such as synthetic cannabinoids), controlled substances, prescription or over-the-counter medications without prior approval of the District, or alcohol, or a substance which the individual believes or represents to be such drugs or alcohol, at a school or school functions Items that contain any prohibited substance, regardless of the percentage stated, shall violate this policy. For example, all beverages that contain any amount of alcohol shall be deemed to be an alcoholic beverage including, but not limited to, mouthwash, cough medicines and non-alcoholic beers. If there is any question regarding a particular item, request a determination by the principal prior to consumption or bringing to school. (insert penalty # from above)
18. Possession of fireworks on school property or at school functions
19. Use of fireworks on school property or at school functions (insert penalty # from above)
20. Commission of conduct which constitutes a misdemeanor while on school property or at a school function (insert penalty # from above)
21. Commission of conduct which constitutes a felony while on school property or at a school function (insert penalty # from above)
22. Gambling (insert penalty # from above)
23. Hazing (insert penalty # from above)
24. Lewd behavior (insert penalty # from above)
25. Extortion (insert penalty # from above)
26. Plagiarism (insert penalty # from above)
27. Arson (insert penalty # from above)

28. Intentional destruction of school property ([insert penalty references] and payment for damage)
29. Theft of school property ([insert penalty references]and payment for loss)
30. Mental or physical condition which endangers the health, safety, and/or welfare of the student or others (insert penalty # from above)
31. Violation of computer use policy ([insert penalty references]suspension or revocation of computer privileges)
32. Class, study hall, homeroom, teacher detention, administrative detention cuts. (insert penalty # from above)
33. Eating or drinking outside of lunch periods or where prohibited (insert penalty # from above)
34. Driving recklessly, speeding failing to follow school crossing guard's directives on school grounds ([insert penalty references]suspension of driving privileges, suspension of parking privileges)
35. Activation of a false alarm, bomb threat or other disaster alarm (insert penalty # from above)
36. Forgery or fraud (insert penalty # from above)
37. Harassment (sexual, racial, etc) (insert penalty # from above)
38. Intimidation or coercion (insert penalty # from above)
39. Leaving campus without authorization (insert penalty # from above)
40. Parking in unauthorized areas (insert penalty # from above)
41. Public displays of affection beyond hand holding (insert penalty # from above)
42. Tardiness to class/school) (insert penalty # from above)
43. Unauthorized absence from school (insert penalty # from above)
44. Theft of personal property (insert penalty # from above)
45. Trespassing while suspended from school (insert penalty # from above)

46. Piercing the body part of oneself or others and/or allowing another to pierce one's body part while on school grounds. (insert penalty # from above)

47. Tattooing the body part of oneself or others and/or allowing another to tattoo one's body part while on school grounds. (insert penalty # from above)

48. Possession of tattooing and/or piercing equipment including but not limited to needles, syringes, tattoo guns, and body ink. (insert penalty # from above)

49. Engaging in sexual acts on school grounds. (insert penalty # from above)

### 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 the school personnel authorized to impose the penalty must inform the student of the alleged misconduct, give the student an opportunity to respond to the charged conduct, 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 related to the alleged misconduct to the school personnel imposing the disciplinary penalty.

Penalties beyond an oral or written warning to students or parents are:

#### 1. Detention

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

#### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's (or designee's) attention by using the bus referral form. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from



transportation amount to 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, extra curricular activities and other privileges.

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

4. In-school suspension.

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes deans, assistant principals, 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 or teaching assistant. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students.

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in

an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to a guidance or support staff if available.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code. When the techniques above are not effective in reducing the disruptive behavior or not appropriate to employ, the teacher may remove the student in adherence with the following guidelines:

- A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.
- If the disruptive student does not pose a danger or 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.
- If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately
- The teacher must explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.
- The teacher must complete a District-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form.( If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.)
- Within 24-hours after the student’s removal, 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 24 hours 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. If the parent requests the informal conference, 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 48 hours 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. The charges against the student are not supported by substantial evidence.
  2. The student's removal is otherwise in violation of law, including the District's code of conduct.
  3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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 Director of Pupil Services that the removal will not violate the student's rights under state or federal law or regulation.

#### 6. Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals. Suspension procedures are to be adhered to as follows:

- Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.
- The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall

gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the 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, overnight mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. The suspending authority ought to attempt to reach the parents by telephone if the school has been provided with a telephone number(s)..

- The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. (Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.)
- At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. (The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.)
- If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- After the conference, the principal shall promptly advise the parents in writing of his 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 Superintendents’ 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 determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.
- At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.
- The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her.
- A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The Superintendent or hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
- An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c). **Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function. Permanent suspension is determined through procedures attained in Education Law 3214(3a) and by the Superintendent of Schools of his/her designee.

#### **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. The student's age.
  - b. The student's grade in school.
  - c. The student's prior disciplinary record.
  - d. The 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 a weapon to school:

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

2. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom:

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds

the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

E. **Referrals**

1. **Counseling:**

The Pupil Services Support staff and /or Guidance staff shall handle all referrals of students to counseling.

2. **PINS Petitions:**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. **Juvenile Delinquents and Juvenile Offenders:**

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

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

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

## 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 to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. Alternative instruction will be provided to students with disabilities in appropriate Interim Alternative Educational Settings (“I.A.E.S.”)

## X. *Suspension of Students with Disabilities*

In the event that a student has a known disability or when school officials can be deemed to know, accordance with law, that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

### **§504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 (“§504”)/Title II of the Americans with Disabilities Act (hereinafter referred to as the “ADA”), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student’s disability.

1. If a nexus is found between the disability and the conduct, *no* additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of ten (10) school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol, who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

### **IDEA Disability**



For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for over 10 school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school. A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; *or*
2. The parent of the student has requested an evaluation of the student; *or*
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused special education services; *or*
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability; *or*
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

### **Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the

parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; *or*
  - b. The conduct in question was a direct result of the school district's failure to implement the IEP.

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### **Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten(10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

## **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury When the Manifestation Team has made an Affirmative “Manifestation Finding”**

A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting (“IAES”) for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: possessing a weapon while at school, on school property or while at a school function; knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "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 that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."
2. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward

meeting IEP goals and objectives during the period of suspension from instruction.

### **Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

1. The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE’s recommendation.

### **Discipline of Students With Disabilities when the Manifestation Team has made a “No Manifestation Finding”**

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, if any, changes to a student’s IEP, if any and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall determine whether conducting a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

### **Pendency Placement**

An IAES shall be deemed the student's “stay put” placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings

commenced by parents to contest 1) a finding that a student is not “presumed to have a disability”, and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

### **Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

### **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.

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

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

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 a safe and orderly atmosphere on school property and at school functions. To achieve this, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building principals, assistant principals, deans, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than District –administrators, teachers and teaching assistants and employees with specialized training in the detection of drug and alcohol use, 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. Such persons will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Before searching a student or the student's belongings, the authorized school official should give the student the opportunity to admit that he or she possesses physical evidence, violated the law or the District Code, and voluntarily consents to the search. Searches will be limited to the area 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 recording the following information about each search:

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

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his 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; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials when reasonable suspicion to believe a crime on school grounds has taken place.

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

- They must be informed of their legal rights.
- They may remain silent if they so desire.

- They may request the presence of an attorney.

#### **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 to the extent allowable pursuant to the relevant guidance, statutes, and case law.

#### **XIII. *Visitors to the Schools***

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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 will adhere to the visitor sign-in protocols for the particular school they are visiting.
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 or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal.
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. The police may be called if the situation warrants.
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, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel. The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of



speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, 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 race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function, including smoke/tobacco-free regulations.

## **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. *Faculty members.* They shall be subject to disciplinary action as the facts may warrant in accordance with New York State Education Law and any other legal rights that they may have.
4. *Staff members.* Classified through civil service are entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. *Staff members other than those described in subdivisions 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, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

### *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 a general assembly held 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 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.
7. Requiring that students and parents sign an acknowledgement indicating their receipt and review of the Code of Conduct.

The Board will sponsor in-service education programs for all District staff members to ensure the effective implementation of the Code of Conduct.

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

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

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

**Adoption date:** November 13, 2007  
August 19, 2008

**Revised and Re-adopted:** August \_\_, 2015