

## **Introduction**

The Port Chester-Rye Union Free School District is committed to maintaining high standards of education for students in the schools. Because a positive school climate, order and discipline are essential for effective education, we are also dedicated to creating and maintaining high behavioral standards and expectations.

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. These are shared responsibilities among school, home and community.

The District Code of Conduct clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

To be effective, we believe a Code of Conduct must:

- 1) Identify, recognize and emphasize acceptable behavior and a positive school climate;
- 2) Identify, recognize and prevent unacceptable behavior;
- 3) Promote self-discipline;
- 4) Consider the welfare of the individual as well as that of the school community as a whole;
- 5) Promote a close working relationship between parents/guardians and the school staff;
- 6) Distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- 7) Provide disciplinary responses that are appropriate to a misbehavior;
- 8) Outline procedures to ensure that discipline is administered in a way that is fair, firm, reasonable and consistent;
- 9) Encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- 10) Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

We expect that parents/guardians will assume primary responsibility for control of their child. They may be called upon to actively cooperate with the school in providing the necessary structure to promote their child's social and educational growth.

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

For a list of definitions for terms used in this document, see page 29.

## **Student Responsibilities and Conduct**

### **Student Responsibilities**

It is your responsibility to:

- Become familiar with and abide by all District policies, rules and regulations pertaining to student conduct;
- Work to the best of your ability in all academic and extra-curricular pursuits and strive toward the highest level of achievement possible;
- Support a positive school climate
- Accept responsibility for your actions;
- You are a representative of the school district when you are at school sponsored events. Hold yourself at all times to the highest standards of conduct, demeanor and sportsmanship.

Attend school class regularly and be on time;

Respect the rights of others, including the right to secure an education in an orderly and disciplined environment;

Respect school property and help to keep it free from damage;

- Complete class assignments and other school responsibilities by established deadlines;
- Seek help in solving problems that might lead to discipline problems;
- Actively discourage inappropriate behavior of other students and report the incidents to the administration;
- Dress in accordance with our student dress code;
- React to direction given by teacher, administrators and other school personnel in a respectful, positive manner.

### **Student Dress Code**

You and your parents are responsible for your appearance, cleanliness and choice of clothing. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. Hats, clothing and attire which have an expression or insignia which is obscene or libelous, which advocates racial or religious prejudice, or is disruptive, is prohibited.

The following, considered to be inappropriate dress, grooming and appearance, (including hair style/color, jewelry, makeup and nails), are prohibited in school or at school functions:

- 1) Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- 2) Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- 3) Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- 4) Any dress or appearance which advocates or encourages other illegal or violent activities;

- 5) Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- 6) The wearing of hats in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- 7) Extremely brief garments such as tube tops, net tops, halter tops, cropped tops, tank tops, tops with spaghetti straps, plunging necklines (front and/or back) and see-through garments;
- 8) Clothing that exposes the midriff section of the torso;
- 9) The wearing of clothing in such a way as to allow underwear to be exposed;
- 10) Pants or skirts shorter than 4 inches above the knee;
- 11) Any dress or appearance which is unsafe, inappropriate or constitutes a disruption to the educational process.
- 12) Footwear that is a safety hazard (footwear is to be worn at all times).

The Board also requires students to wear appropriate protective gear in certain classes (i.e., science laboratories, home economics, technology, and physical education).

The Superintendent of Schools and other designated administrative personnel have the authority to require a student to change his/her attire should it be deemed inappropriate

(Also see Board of Education Policy [5311.5](#))

### **Student Conduct On School Buses**

It is crucial for students to behave appropriately while riding on school-provided buses, to ensure their safety and that of other passengers, as well as to ensure the least possible distraction for bus drivers. We expect students to apply the same standards of behavior on the bus as in the classroom. Excessive noise, pushing, shoving and fighting will not be tolerated.

This applies to students who take the bus to and from school, as well as students *bused* to and from co-curricular activities and/or field trips.

It is also important that those waiting for buses conduct themselves properly and respect the rights and property of others.

On school buses, the driver is responsible for maintaining order. If a student becomes a serious disciplinary problem on a school bus, the Superintendent may suspend his/her transportation privileges. Parents are reminded that bus transportation for students is a privilege, which may be suspended due to misbehavior.

(Also see Board of Education Policy [5320](#))

### **Expectations for Student Conduct**

We expect all students to demonstrate appropriate and civil conduct and to respect the rights and welfare of other students, district personnel and other members of the school community. We also expect students to take care of school facilities and equipment.

The best discipline is self-imposed. Our goal is for all students to assume and accept

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

The rules of conduct listed below list our expectations for student conduct and focus on safety, promoting a positive school climate, 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.

The following conduct is prohibited and will be subject to disciplinary action. This list is not intended to be either mutually exclusive or exhaustive:

### **Insubordinate Conduct**

- 1) Failing to comply with the reasonable directions of teachers, school administrators, outside consultants, or other school employees in charge of students, or otherwise demonstrating disrespect;
- 2) Lateness for, missing or leaving school without permission;
- 3) Skipping detention;
- 4) Lying to school personnel.

### **Academic Misconduct**

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

### **Disruptive Conduct**

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students
- 2) Running in hallways;
- 3) Making unreasonable noise;
- 4) Using language or gestures that are profane, lewd, vulgar or abusive;
- 5) Threatening another with bodily harm;
- 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) Engaging in any willful act which disrupts the normal operation of the school community;
- 8) Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy;

9) *Turn on or use a cell phone or beeper during the school day (see Board of Education Policy XXXX).* (Add digital/electronic device including music player, iPad, tablet, etc.??)

10) Inappropriate dress;

11) Obstructing vehicular or pedestrian traffic.

### **Conduct That Endangers the Safety, Morals, Health Or Welfare Of Others**

1) Use of any tobacco product, including cigarettes, cigar, “blunt”, pipe, snuff, chewing or other smokeless tobacco; nicotine delivery devices/electronic cigarettes

2) Possessing, consuming, selling, distributing or exchanging beverage with alcoholic content or being under the influence of any alcoholic beverage

3) Possessing, consuming, selling, distributing or exchanging any illicit or prohibited substance that can include, but is not limited to, inhalants, marijuana, synthetic marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, designer drugs, look-alike drugs, and other substances as defined by NYS law, or being under the influence of any illicit or prohibited substance

4) Possessing, consuming, selling, distributing or exchanging any prescription medication except as provided by district medication policy

5) Stealing the property of other students, school personnel or any other person;

6) Defamation, which includes making false or derogatory statements or representations about an individual or group that harm their reputation;

7) 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;

8) Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group.

9) Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions, communications or statements directed at an individual or group and intended or perceived to be ridiculing or demeaning;

10) Sexual harassment of other students through conduct or communication of a sexual nature (see Board of Education Policy [5311.3A](#))

11) Taking pictures and/or transmitting photos/graphics/videos or representations of any unclothed or partially clothed person

12) Taking any picture or video of another person for the purpose of ridiculing, taunting or upsetting the other person

13) Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;

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;

- 15) Selling, using or possessing obscene material;
- 16) Using vulgar or abusive language, cursing or swearing;
- 17) Gambling;
- 18) Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
- 19) Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

### **Violent Or Dangerous Conduct That Endangers The Safety, Morals, Health Or Welfare Of Others By Any Act**

These behaviors include, but are not limited to:

- 1) Committing or attempting to commit an act of violence (such as hitting, spitting, kicking, punching and scratching, *or* any behavior that threatens, *attempts or* actually inflicts physical *harm*) upon a teacher, administrator, school employee, student or any other person on school property;
- 2) Possessing a weapon;
- 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 on school property, including graffiti or arson;
- 6) Intentionally damaging or destroying school district property.

### **Off-Campus Misconduct**

The Port Chester School District community is dedicated to meeting the challenge of providing each student with an education required by and worthy of our democratic society. Good citizenship and respect for the law are two important qualities that we try to inculcate in each student. We believe that students should learn one of the central lessons of life -- negative actions have negative consequences.

When attending school or participating in or attending school-sponsored events, you are representatives of your school, school district and community. For this reason, you are expected to behave in a manner that reflects positively upon the Port Chester School District and its schools. Good citizenship applies not only to behavior within the schools and at school sponsored activities, field trips and athletic events held off campus, but also to the greater *community including the Village of Port Chester, the Village of Rye Brook and beyond.*

If you commit a crime off school premises or at a non-school sponsored activity, you will not be subject to school discipline unless the Superintendent establishes a connection between the act and the school district, or if your actions disrupt the operation of the school, or if you have endangered the health, safety, or morals of students or others in the district's schools.

## **Computer And Internet Abuse and Misuse (Refer to Acceptable Use Policy)**

Misuse, damage or tampering with District-owned computer drives, network facilities and Internet links may lead to disciplinary action. The following behavior is prohibited:

- 1) Student e-mail or Internet communication which originates from or is received at school premises and which:
  - a) Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - b) Conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
  - c) Constitutes a state and/or federal crime;
  - d) Is the cause of or contributes to a substantial interference with the orderly functioning of the school(s);
  - e) Attributes the text to school officials or implies that the text is school endorsed, unless there is official endorsement or consent from school officials;
- 2) Internet use that circumvents access restrictions placed on the District's computer systems;
- 3) Computer and/or Internet use that is not school related or is unauthorized;
- 4) Sharing your computer access code with others. You will be responsible for violations of *this Code of Conduct that occur under your access code number.*

## **Reporting Code of Conduct Violations**

Students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the 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 should report this information immediately.

Any weapon, alcohol or illegal substance found will be confiscated immediately, if possible. The parent of the student involved will be notified and the appropriate disciplinary sanction, if warranted, implemented. This may include permanent suspension and referral for prosecution.

All District staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor. Supervisors, if authorized, should impose an appropriate disciplinary sanction or refer the matter to the appropriate staff member for disciplinary action.

The Building Principal or designee must notify the Superintendent and appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the 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 (or e-mail or text), 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.

## **Student Rights**

Every child between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, has the right to receive a free and appropriate education. All students in this state between the ages of six and the school year in which they become 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

Students have all the rights afforded them by federal and state constitutions and statutes. The District recognizes all federal, state and local laws in connection with the rights and reminds students that certain responsibilities accompany the rights they are given.

### **Student Rights**

The District's aim is to provide a positive school environment environment in which a student's rights and freedoms are respected, and to provide opportunities which stimulate and challenge a student's interests and abilities to his/her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner and does not infringe upon the rights of others.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

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:

- Have a positive, safe, healthy, orderly and courteous school environment;
- Be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability;
- Learn in an environment free from interruption, harassment, bullying, discrimination, intimidation and fear;
- Access school rules and, when necessary, receive an explanation of those rules from school personnel;
- Be guided by a discipline policy which is fairly and consistently implemented;
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty;
- Be suspended from instruction only after his or her rights pursuant to [Education Law §3214](#) have been observed;

- Not submit to a survey, analysis, or evaluation that reveals information concerning the following without the prior written consent of the student, if over 18 years of age, or the parent/guardian for those students under 18: Political affiliations; Mental and psychological problems; Sex behavior and attitudes; Illegal, antisocial, self-incriminating and demeaning behavior; Critical appraisals of individuals with whom respondents have close family relationships; Legally recognized privileged relationships (such as those of lawyers, physicians, and ministers); Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program). However, such a survey, analysis or evaluation may be conducted on a wholly voluntary basis, provided that the student and his or her parent/guardian have been notified of their rights and of their right to inspect all materials related to the above.

In addition, as a student in this District you have the following rights:

1) **Student Expression** - Students are allowed the free expression of ideas consistent with rights established by federal and state constitutions. However, students cannot use libelous, slanderous, vulgar, lewd, violent, indecent or obscene language, images or actions, or to words, images or actions which incite others to damage property or physically injure persons. Furthermore, speech, which materially and substantially disrupts the work and discipline of the school, may be subject to limitation.

2) **Symbolic Expression** - Students can wear political buttons, arm bands or badges of symbolic expression so long they conform to the limits set forth in our "Student Dress Code" and in Board of Education Policy [5311.5](#).

3) **Student Activities** - All pupils are entitled to participate to the extent of their capabilities in the various extra-curricular and co-curricular activities sponsored by the School District. Participating in these activities is a privilege and we expect students to follow the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

4) **Student Government** - Students are encouraged to participate in the various student governmental bodies established in the schools. All student governmental bodies will have a faculty advisor and a written constitution which the students help to formulate. They will set out reasonable standards for qualification to serve and hold elections in accordance with the principles of our democracy. Elected student representatives will work with the faculty, administration and student body to identifying appropriate responsibilities for the student government organization.

5) **Student Clubs and Other Student Organizations** - We encourage students to participate in curriculum-related extra-curricular activity clubs and/or organizations. All non-curricular related clubs or organizations will be subject to the constitution of the student government and will follow applicable federal or state law, the Code of Conduct and/or the policies of the Board of Education and Superintendent's Regulations.

6) **Privacy Rights** [Search and Seizure] - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. No student's person or property will be searched for illegal substances or materials unless the school authorities have reasonable suspicion to conduct a search. Lockers and desks assigned to students may be inspected at any time by

school officials since they are not the property of the student, but rather are owned by the School District and shared with the student. The rights of students and the District are further outlined in Board of Education Policy [5330](#).

7) **Pregnant Students** - During pregnancy and the period of pregnancy-related disability which follows childbirth, students are entitled to home instruction, upon request. Pregnant students who want to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

8) **Student Health Services** - Health Services will be provided to students in accordance with law. (See Board of Education Policy [5420](#).)

### **Student Due Process Rights**

In disciplinary situations, students will be given the opportunity to present their version of the facts and circumstances, and students will not be suspended unless their rights to due process, as identified in [Education Law §3214](#), have been observed.

Parental involvement may include written notification of the offense and disciplinary action; and parent conferences with staff, student and, if need be, outside agencies/authorities. A proper and accurate record of the offense and response is maintained for all incidents.

Generally, school personnel will identify problems and pursue appropriate, reasonable measures to affect student behavior. Parents, students and school personnel must work together to ensure the maintenance of the proper atmosphere for learning. Our objective is to provide all students an equal opportunity to grow intellectually, ethically, socially, emotionally and physically.

The options regarding student discipline and due process rights are designed to be fundamentally fair without imposing unreasonable burdens on school authorities or students. General requirements in all instances include:

- Oral or written notice of the nature of the rules, violation of which will result in disciplinary action; An opportunity for the accused student to tell his/her side of the story to the person whose responsibility it is to assign discipline;
- Explanation of the evidence of violation, upon which action is being taken, should the student deny that the infraction has occurred.

When a student is referred to an administrator for appropriate action, the administrator investigates the incident by meeting with the student and/or staff member and additional students/staff as deemed necessary. (Also see Board of Education Policy [5313](#))

### **Student Grievances and Complaints**

If a student has a grievance or a complaint about a school-related matter, a school employee or a school official, s/he may submit it, in writing, to the principal of the school, free from coercion, interference, restraint, discrimination or reprisal. The principal will respond within 10 school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent if the principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools will respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document. (Also see Board of Education Policy [5311](#))

## **Corporal Punishment**

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

However, in situations where verbal de-escalation and repositioning methods which do not involve the use of physical force are not successful, reasonable physical force may be used as a last resort to:

- Protect the student, 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.

## **Corporal Punishment Complaints**

No teacher or employee is permitted to assault any child or any other person.

Notwithstanding the prohibition on corporal punishment, in the event that corporal punishment is used the following reporting procedure will be observed:

- 1) The employee who has administered corporal punishment must notify the building principal and Superintendent of Schools immediately.
- 2) The report will relate all applicable details of the incident, including what action was taken, why the action was taken, and what measures, if any, have been taken to prevent the need for such action.
- 3) The report will be kept on file and made available to the parent upon request.
- 4) The parent/guardian will be given the opportunity to request a conference with the student, teacher, and administrator(s) involved in the incident to discuss the situation.

The Superintendent of Schools shall submit to the Commissioner of Education a written report on corporal punishment complaints. The report shall set forth the substance of each complaint, the results of investigations of those complaints and the resulting action taken. Such reports shall be submitted on or before January 15 and July 15 of each year. If no complaints are received, no investigations undertaken and no action taken; then no reports will be submitted. (Also see Board of Education Policy [5314](#))

## **Searches/Interrogation/Investigation**

The Superintendent of Schools, Principals, Assistant Principals or Deans of Students are authorized to conduct searches of students and their possessions for matter that is illegal or constitutes a threat to the health, safety, welfare or morals of students attending our schools.

We acknowledge both the state and federal constitutional rights that apply to personal searches

of students and their possessions (e.g., pocket contents, book bags, handbags, etc.). Searches will not be conducted unless there is reasonable individualized suspicion, taking into account the prevalence and seriousness of the problem, urgency, probative value and reliability of information used to justify the search. Involuntary personal searches of students will only be conducted by the police, unless there is a serious and immediate danger to those in our schools and probable cause exists for search by a school administrator.

Students should be aware that desks, school lockers storage spaces and school computers are not their private property but the property of the School District and that they may be opened and inspected from time to time by school officials. While recognizing the right to inspect a student's school lockers, desks, storage spaces and computers without the necessity of obtaining student consent is inherent in the authority granted school boards and administrators, school officials will exercise every safeguard to:

- protect each student's constitutional rights to personal privacy and protection from coercion;
- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

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

Before searching a student or the student's belongings, the authorized school official should attempt to have the student admit to possessing physical evidence that violates the law or the District Code, or 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.

Realizing the intrusive nature of a search, the Board does not authorize a search that requires a student to remove clothing other than coats, jackets and shoes. Strip searches are prohibited. Other searches must include a second professional present when they occur. "Pat downs" will be conducted with another person of the same gender as the student present.

### **Police Involvement in Searches and Interrogation of Students**

District officials are committed to cooperating with police 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.

Before police officials are permitted to question or search any student in a non-emergency situation the building principal or designee will first try to notify the student's parent/guardian so they can be present during the police questioning or search. If the student's parent/guardian cannot be contacted prior to the questioning or search, it will 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,

In an emergency situation where there is danger to the student or others, police will take whatever action is necessary to protect the school and its occupants.

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:

- 1) They must be informed of their legal rights;
- 2) They may remain silent if they so desire;
- 3) They may request the presence of an attorney. Documentation of Searches

The authorized school official conducting or witnessing the search is 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/her title and position;
- 7) Witnesses, if any, to the search;
- 8) Time and location of search;
- 9) Results of search (that is, what item(s) were found);
- 10) Disposition of items found;
- 11) Time, manner and results of parental notification.

The building principal or designee is responsible for the custody, control and disposition of any illegal or dangerous items taken from a student. The principal or designee will clearly label each item and retain control until the items are turned over to the police. The principal or designee is responsible for personally delivering dangerous or illegal items to police authorities.

## **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, we 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 will be made directly to the building principal or designee. The principal will set the time and place of the interview. The principal will 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 will 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 cannot remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to imminent danger or abuse if he or she were not removed from school before a court order can reasonably be obtained. In such a case, the worker may, in consultation with the police, remove the student without a court order and without the parent's/guardian's consent. All reasonable effort should be made to allow the student to complete the school day.

## **Student Discipline**

We believe that each student can reasonably be expected to be responsible for his/her own behavior. Students who fail to meet this expected degree of responsibility and violate school rules will be corrected and subject to appropriate disciplinary action and more regulated supervision. Conduct that interferes with maintaining school discipline and the educational climate or violates the rights of other students, the staff and the School District will not be tolerated. Insubordination or gross or frequent misbehavior are examples of such incidents.

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. When breaches of discipline occur they will be documented and immediate action will be taken. Conferences with the complainant, student, parents/guardians, teachers, other student service personnel, or others as appropriate for the early identification and resolution of suspected discipline problems may be part of the investigation.

Disciplinary action, when necessary, will be firm, fair, and consistent. The goal is to change 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/guardians, teachers and/or others, as appropriate;
- 6) Other extenuating circumstances.

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

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

### **Responses and Consequences**

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination, consistent with the student's right to due process.

- 1) Oral warning;
- 2) Correction;
- 3) Written warning;
- 4) Written notification;
- 5) Detention;
- 6) Referral to pupil support (counselors, guidance, etc.)
- 7) Individual behavior contract
- 8) Conference with parent/persons in parental relation
- 9) Investigation and report
- 10) Administrative intervention if necessary
- 11) Removal from classroom by teacher;
- 12) Suspension from transportation;
- 13) Suspension from social or athletic or extra-curricular or co-curricular activities;
- 14) Short-term (five days or less) suspension from school;
- 15) Long-term (more than five days) suspension from school;
- 16) In-school suspension;
- 17) Permanent suspension (expulsion) from school. Is this a legal option under compulsory school age?

In all cases, regardless of the penalty imposed, school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the

allegation. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty. (Also see Board of Education Policy [5313](#)).

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

The repeating of an infraction may lead to the imposition of the next measure of discipline.

Chronic repeating of infractions may lead to long-term suspension or permanent suspension (expulsion).

### **Detention**

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

### **Removal of a Student From the Classroom**

Certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom, ("Substantially disruptive" means that instruction is discontinued more than momentarily to address the disruptive conduct of the student, in a way that breaks the continuity of the lesson. "Substantially interferes with the teacher's authority over the classroom" means that the student has been insubordinate to the teacher in class and failed to obey the teacher's directives to cease and desist after two directives to do so),

Students can be removed for the remainder of the class upon the first event and for two days of class upon the second or third event. After a fourth event in one semester, a principal's suspension will occur.

The District will provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

Notwithstanding the above, in light of circumstances that warrant suspension, a principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially

interferes with the teacher's authority over the classroom:

- 1) The teacher must confront the student in class (or within 24 hours where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- 2) Prior to removal from the classroom (or within 24 hours where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- 3) The building principal or designee must be notified immediately, in writing, by the teacher, of the student's removal from the teacher's class;
- 4) The principal or designee must inform the student's parent of the removal and the reasons for it within 24 hours of the student's removal;
- 5) Upon request, the student and his/her parent must be given an opportunity for an informal conference with the principal or designee to discuss the reasons for removal. If the student denies the charge(s), the principal must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
- 6) The principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence, or the removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- 7) The principal's/designee's determination on whether or not to support the teacher's removal of the student will be made by the close of business on the day following the 48-hour period for the informal principal's removal conference. The teacher involved may be required to attend the principal's conference at the principal's discretion.

### **Suspension from Transportation**

When a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their bus privileges suspended by the principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his 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 suspended from transportation is not entitled to a full hearing ([Education Law §3214](#)). However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the principal or designee to discuss the conduct and the penalty involved.

### **Suspension from Athletic Participation, Extra-Curricular and Co-Curricular Activities and School Functions**

A student suspended from athletic participation, extra-curricular activities or other privileges for

reasons other than academic eligibility will have reasonable opportunity for an informal conference with the principal and/or the appropriate activity leader, if applicable, to discuss the conduct and the penalty involved, at the request of his/her parent/guardian. However, this student is not entitled to a full hearing pursuant to [Education Law §3214](#). (Also see Board of Education Policy [5305](#)).

A student can be suspended from participating in extra-curricular or co-curricular activities (including a sports team) or any other school event for an infraction of any of the provisions listed in the Code of Conduct and/or Board of Education Policies, for violating a Code of Conduct issued by the activity supervisor or for fighting at games or events..

If a student is suspended from school pursuant to [§3214 of the Education Law](#), s/he will not be permitted to participate in any extra-curricular or co-curricular activities, or any other school events or activities which take place on the days of suspension (including intervening weekends).

### **Pre-Suspension Process**

Before being suspended from school, a student will meet with the appropriate school official. At this meeting, the evidence on which the decision to suspend is based will be shared and the student will be given the opportunity to explain his/her version of the facts. The student also will have the right to present other persons to the suspending authority in support of his/her version of the facts.

If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, this process will occur following suspension, as soon as is reasonably practicable. In all cases, there will be no suspension until after an informal principal's conference, unless waived by the parent/guardian or, in the case of a student over the age of 18, by the student.

### **Suspension From School**

The Board of Education, Superintendent of Schools, a building principal and the assistant principal, may suspend a student from school where it is determined that the student:

- 1) is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- 2) Exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- 3) is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students be suspended based on a violation of the specific disciplinary infractions listed under prohibited student conduct.

### **Short-Term Suspension Process**

Prior to a proposed one to five day suspension from school by a principal, the student and his/her

parent will be notified, in writing, by personal delivery, express mail or overnight service to the parent's last known address, and by telephone, if possible, within 24 hours of the decision.

The written notice will include a description of the incident(s) resulting in the suspension and will inform the parents/guardians of their right to request an immediate informal conference with the principal in order to present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the principal and other parties involved will be convened as soon as possible, and the evidence, including the witness(es) relied upon by the principal in making the suspension determination, may be questioned by the parent or guardian. The right to an informal conference with the principal also applies to a student 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent.

Any appeal of a principal's suspension brought by the parent/guardian, or student over the age of 18, must be presented to the Board of Education prior to the filing of any further appeal.

### **Long-Term Suspension Process: Suspension for More than Five Days**

Any suspension from school in excess of five school days is considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing will be conducted by the Superintendent if the principal or the Superintendent made the original suspension or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendations.

### **Hearing Procedures Notice of Hearing**

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who will have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense on behalf of the student can be made for the record.

In the event of the suspension of a student over the age of 18, the notice, as described above, will be delivered or mailed to the student, as well as to the student's parent(s)/guardian(s), if any. Emancipated minors are entitled to the same notice rights as a student over the age of 18.

All notices of long-term suspension hearings will include a list of the student's rights: to be represented by an attorney or lay counsel; to subpoena witnesses or otherwise present witnesses in the student's defense; and that a transcript of the hearing will be prepared (tape recording or stenographic record). The time, date and location of the hearing will prominently appear in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as to his/her parent.

### **The Long-Term Suspension Hearing**

The hearing will be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a building principal or the Superintendent. The hearing will be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer will inform the student and the student's representative(s):

- 1) That the District's and the student's representatives have the right to examine and cross-examine witnesses;
- 2) *That* the student has the privilege against self-incrimination, but that if the student does testify, s/he will be subject to cross-examination;
- 3) That the District has the burden of proving the charges by a preponderance of the credible evidence;
- 4) That a transcript of the proceedings will be maintained and made available to the student's representative upon request; and
- 5) That the hearing will be private or open to the public, as determined by the student's representative.

The person conducting the hearing will not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer will inform the parties:

- 1) That the case will proceed by having the District present its evidence through witnesses and other evidence first;
- 2) That the District's witnesses will be subject to cross-examination by the student's representative; and
- 3) That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence, the parties will have the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer will then reach findings of fact upon the charges.

If one or more of the charges is sustained, the Hearing Officer will hear statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record will be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person

or body that appointed him/her, immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, will make his/its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Referrals**

- 1) **Counseling.** The Guidance Office shall handle all referrals of students to counseling.
- 2) **PINS Petitions.** The district may file a PINS (person in need of supervision) petition in Family court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a) Being habitually truant and not attending school as required by [part one of Article 65 of the Education Law](#).
  - b) Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - c) Knowingly and unlawfully possessing 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\(42\)](#).

### **Alternative Instruction**

In accordance with Education Law, no student will be suspended from school or his/her regularly scheduled classes without being provided alternative equivalent instruction. This instruction, either at home or in an alternative setting as determined by the Superintendent of Schools, will be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort will be made to provide this alternative instruction immediately.

If a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction will be provided for the duration of the suspension.

### **Suspension Of Students With Disabilities**

A student with a disability is subject to discipline and afforded the same due process protections as a non-disabled student for up to 10 consecutive or non-consecutive days of removal in a given school year, either through building level suspension or removal or as the result of a suspension beyond 5 school days through a Superintendent's Hearing consistent with [Education Law Section 3214](#).

### **Who Is A Student With A Disability?**

A student with a disability is a classified student under the Individuals with Disabilities Education Act ("IDEA") or a student identified by the 504 Team as a student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Students with disabilities under Section 504 or the IDEA are afforded additional due process protections under their governing laws and regulations. In the event of a proposed disciplinary change of placement, a student with a disability will be afforded those additional due process rights.

### **Presumed Student To Have A Disability For Discipline Purposes**

Under the IDEA, if the District is deemed to have knowledge that a student was a student with a disability prior to the conduct that resulted in the disciplinary action that constitutes a disciplinary change of placement, the student will be deemed "a student presumed to have a disability." As a presumed student with a disability, the student will receive those due process protections afforded to identified students with disabilities, unless the Parent did not consent to evaluations or refused services, or if after evaluation, the student was found not disabled.

### **What Constitutes A Disciplinary Change Of Placement?**

A change of placement for purposes of this section occurs when a student with a disability (or a presumed student with a disability) is subject to a disciplinary removal beyond 10 consecutive school days, or is subject to removals of 10 or more non-consecutive days constituting a pattern based on the length of suspension, the total amount of removal time and the proximity of the *suspensions or removals to one another*.

### **Manifestation Determination**

In the event a disciplinary change of placement may result, the Manifestation Team of the *Committee on Special Education (CSE) or the 504 Team must convene to make a determination* whether the conduct resulting in discipline is a manifestation of the student's disability. In the event that CSE/504 Team finds no manifestation, the student may be subject to the same discipline that a non-disabled student would receive. Under Section 504, a student with a disability who receives discipline as the result of drug or alcohol related misconduct is not afforded any additional due process protections.

For a student with a disability under the IDEA, the District will arrange to provide a free appropriate public education in an Interim Alternative Education Setting, during whatever period of removal results from further disciplinary action. For a student with a disability under Section 504, the District will arrange for alternate instruction to the same extent it would provide alternate instruction to a non-disabled student.

If the Manifestation Team of the CSE or the 504 Team finds manifestation, no further penalty will result, unless the conduct that resulted in the proposed discipline fails under an exception to

manifestation.

### **Exceptions To Manifestation Determination - Removal For Weapons, Illegal Drugs Or Controlled Substances, Infliction of Serious Bodily Injury Or Removal Of A Dangerous Student**

*A student with a disability may be placed in an Interim Alternative Education Setting (IAES) for up to 45 school days for (1) possession of a weapon on school grounds or at a school function, (2) knowing possession of a controlled substance or engaging in the sale or solicitation of illegal drugs on school grounds or at a school function, (3) infliction of serious bodily injury (as defined in [18 U.S.C. Sec. 1365\(h\)](#)) upon another person while at school, on school grounds or at a school function or (4) pursuant to the order of an impartial hearing officer or the court. A hearing officer may extend the removal beyond 45 school days as appropriate after a showing that returning the student to the current placement is substantially likely to result in injury to the student or others and after reviewing the appropriateness of the recommended IAES and the district's efforts to minimize the risk of harm in the current placement including the use of supplemental aides and services.*

### **Interim Alternative Education Setting**

Pursuant to the IDEA, an IAES must enable the student to continue to participate in the general curriculum (where appropriate), although in another setting; enable the student to have *opportunities to progress towards the goals set out in the Individualized Education Plan (EP)*; and enable the student to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior leading to the placement in the IAES to prevent the behavior from occurring. The IAES will be determined by the CSE. An IAES must be offered to a student with a disability for any disciplinary removal beyond 10 school days (whether or not it results in a change of placement), irrespective of manifestation. The IAES is the student's "stay put" placement during any challenge to the determination of the Manifestation Team or to the IAES recommended by the CSE.

Under Section 504, the 504 Team must arrange for alternate instruction to the same extent that it is required to do so for a non-disabled student, and arrange to provide those accommodations which are necessary to provide the student access to the alternative instruction.

### **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 must report to the security desk or main office upon arrival at the school and sign in. Visitors will be given a visitor's identification badge, which must be worn at all times while on school property. The visitor must return the identification badge to the security desk before leaving;

- 3) Visitors attending school functions that are open to the public, and conducted at times other than during the school day, such as PTNPTO meetings or public gatherings, are not required to register;
- 4) Parents/guardians or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal, his/her designee and with classroom teacher(s), so that class disruption is kept to a minimum;
- 5) Teachers are expected to not take class time to discuss individual matters with visitors;
- 6) Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants;
- 7) All visitors are expected to abide by the rules for public conduct on school property contained in the Code of Conduct and Board of Education Policy [1520](#) and [5621](#).

### **Public Conduct On School Property Or At School Functions**

To create and maintain an orderly, respectful environment that is conducive to learning, it is necessary to regulate public conduct on school property and at school functions.

These restrictions 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 must conduct themselves in a respectful and orderly manner and are expected to be properly attired for the purpose that they are on school property.

The Board prohibits the consumption of alcoholic beverages at any District or school-sponsored or school-related functions where the name of the school district/school is used and where Port Chester students are present, whether on school property or on public or private property.

### **Prohibited Conduct**

No person, either alone or with others on school property, shall:

- 1) Intentionally cause physical injury to any other person, or threaten to do so;
- 2) Bully, Intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- 3) Obstruct the free movement of any person in any place to which the Code of Conduct applies;
- 4) Intentionally damage or destroy District property, or the personal property of a teacher, administrator, other employee or any person on school property, or remove or use such property without authorization;
- 5) Enter into the private office of an administrative officer or member of the faculty or staff, or any portion of the school premises without permission, expressed or implied, or remain in any building or facility after it is normally closed;

- 6) Enter and remain in any building or facility for any purpose other than its authorized uses or in a way that obstructs its authorized use by others;
- 7) 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;
- 8) Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff, or member of the Board of Education;
- 9) Deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs, lectures and meetings or other school activities, or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- 10) Willfully incite others to commit any of the acts prohibited by this Code;
- 11) Violate the traffic laws, parking regulations or other restrictions on vehicles established by the school District;
- 12) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or illegal substances or be under the influence of either on school property or at a school function where students are present;
- 13) Smoke, use or chew any tobacco product on any campus or on District property
- 14) 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;
- 15) Loiter on or about school property;
- 16) Gamble on school property or at school functions;
- 17) Refuse to comply with any reasonable order of identifiable School District officials performing their duties;
- 18) Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function. (See Board of Education Policy [5311.4](#) and [1520](#))

### **Procedures And Penalties**

Anyone who violates this Code of Conduct shall be subjected to the following penalties and procedures:

- 1) Visitors' authorization to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. In the event of failure to do so, they will be subject to ejection;
- 2) A trespasser or visitor without specific license or invitation will be subject to ejection and/or arrest;
- 3) Students will be subject to disciplinary action as the facts of the case may warrant, as prescribed by [§3214 of the Education Law](#) and the Code of Conduct;
- 4) Faculty members will be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement;

5) Staff members in the classified service of the civil service, described in [§75 of the Civil Service Law](#), will be subject to immediate ejection and to disciplinary action as the facts may warrant. Staff members other than those described above shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

## **Enforcement**

1) The Superintendent of Schools is responsible for the enforcement of these rules and shall designate the other personnel who are authorized to take action when required or appropriate to carry them into effect.

2) Where the violation of these rules does not pose any immediate threat of injury to person or property, authorized personnel may make reasonable effort to learn the cause of the conduct in question and to persuade those involved to desist. She may resort to permissible methods to resolve any issues presented, or warn those involved of the consequences of their conduct;

If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District shall initiate appropriate disciplinary action against any student or staff member. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating this Code.

## **Definitions**

For the purpose of this Code, the following definitions apply:

**Bullying Behavior** -- For the purposes of this policy, “bullying” (which is subsumed under the term “harassment”), is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. (Board Policy [0115](#))

**Disruptive Student** -- an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or school event or who substantially interferes with a teacher's authority over the classroom.

**Guardian** -- the person who legally acts in a parental relationship to a student.

**Harassment:** Acts based on actual or perceived characteristics of students, which can include actual or perceived race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability.

**Illegal Drugs** -- 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.

**Parent** -- the parent, guardian or person in parental relation to a student.

**Removal** -- the act of a teacher in discontinuing the presence of a student in his/her classroom.

**School Property** -- 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 [§142 of the New York State Vehicle and Traffic Law](#).

**School Function** -- any school sponsored extra-curricular, co-curricular event or activity.

**Suspension** -- the act of a Building Principal (or acting Building Principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

**Violent Student** -- a student who

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

**Weapon** -- a firearm as defined in the Gun-Free Schools Act ([18 USC §921](#)) {any firearm, including a starter gun, which will be or is designed to be or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device), as well as 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, or any other sharp knife, box cutter, cane sword, electronic dart gun, Kung fu star, electronic stun gun, pepper spray or other noxious *spray, dangerous chemicals, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.* Federal and state laws mandate that students who possess a weapon be suspended from school for a minimum of 1 calendar year, excepting that the Superintendent may review each case individually for suitability of this suspension. . (Also see Board of Education Policy [5624](#))

## **Essential School Partners**

### **The Role Of Parents/Guardians**

Since parents/guardians are the primary educators and caregivers for their children, the Port

Chester School District Board of Education encourages parental involvement in their educational process. To achieve this wholesome relationship, parents/guardians are urged to:

- Recognize that the education of their child is a joint responsibility of the parents/guardians and the school community;
- Send their child to school ready to participate in learning;
- Ensure that their children attend school regularly and on time;
- Ensure that any absences are legitimate and excused;
- Teach their child self-respect, respect for the law, respect for others and for public property;
- Help their child understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- Know school rules and help their child understand them;
- Listen to the views and observations of all parties concerned in their child's education;
- Recognize that teachers merit the same consideration and respect from parents that parents expect from their child;
- Encourage their child to take pride in his/her appearance, and be dressed and groomed in a manner consistent with the student dress code;
- Ensure that their child promptly brings home all communications from school;
- Cooperate with the school in jointly resolving any school-related problem;
- Set realistic standards of behavior for their child and resolve to remain firm and consistent;
- Help their child learn to deal effectively with negative peer pressure;
- Provide a place conducive for study and completion of homework assignments;
- Convey to their child a supportive attitude towards education and the District;
- Inform school officials of concerns about their child or changes in the home situation that may affect their child's conduct or performance;
- Provide support and positive reinforcement to their child;
- Report acts of violence, threats or other violations of the Code of Conduct to the school principal.

Parents/guardians should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books and damage to property.

### **The Role Of School Personnel**

School personnel, including teachers, play an important role in the education of students. In view of this responsibility, school personnel must:

- Promote a positive climate of mutual respect and dignity which will strengthen each

student's positive self-image;

- Teach the common courtesies by precept and example;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example
- Enforce the Code of Conduct
- Report violations of the Code of Conduct to the building Principal Immediately report and refer violent students to the Principal.

### **The Role of Teachers**

Additional to the role of all school personnel, teachers will:

- Promote a positive climate of mutual respect and dignity which will strengthen student's selfconcept and promote confidence to learn;
- Be prepared to teach;
- Demonstrate interest in teaching and concern for student achievement;
- Plan and conduct a product of instruction that will make learning challenging and stimulating;
- Communicate to students, parents/guardians: course objectives and requirements, marking/grading procedures, assignment deadlines, expectations for students and classroom discipline plan;
- Recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- Teach the common courtesies by precept and example;
- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with them;
- Report to the Principal any student who jeopardizes his/her own safety, the safety of others

or of the teacher; or who seriously interferes with the instructional program of the classroom;

- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Explain and interpret the Code of Conduct to students;
- Enforce the Code of Conduct in all areas of the school;
- Know the support services available to students and refer students who are in need of such services;
- Comply with state educational law and Board of Education Policy regarding corporal punishment and mandated reporting of suspected child abuse;
- Inform the student and the Principal of the reason for the removal, in the event of removal from class, and document the removal according to proscribed procedures;

Exemplify and reinforce acceptable student dress, personal cleanliness and general appearance and help students develop an understanding of appropriate appearance in the school setting.

### **The Role Of Guidance Counselors**

- Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- Initiate teacher/student/counselor conferences and parent/guardian/teacher /istudent counselor conferences, as necessary, as a way to resolve problems;
- Regularly review with students their educational progress and career plans;
- Provide information to assist students with career planning;
- Encourage students to benefit from the curriculum and extracurricular programs;
- Exemplify and reinforce acceptable student dress, personal cleanliness and general appearance and help students develop an understanding of appropriate appearance in the school setting.

### **The Role Of Building Administrators**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- Seek to develop a positive, sound and healthy atmosphere of mutual respect;
- Evaluate, on a regular basis, the program of instruction in their school;
- Help their staff self evaluate their procedures and attitudes in relation to the interaction within their classroom;
- Develop procedures which reduce the likelihood of student misconduct;
- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances;

- Work with students and staff to formulate school regulations;
- Assist staff members in resolving problems which may occur;
- Work closely with parents to establish a relationship between home and school;
- Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- Establish necessary building security;
- Assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly and fairly;
- Ensure that students are provided with fair, reasonable, and consistent rules and regulations;
- Support the development of and student participation in appropriate extra-curricular activities;
- Comply with pertinent state laws governing hearings, suspensions, and student rights;
- Develop behavior guidelines and appeals procedures specific to each assigned school in harmony with the Code of Conduct
- Demonstrate desirable standards of behavior through personal example.
- Exemplify and reinforce acceptable student dress, personal cleanliness and general appearance and help students develop an understanding of appropriate appearance in the school setting.

### **The Role of District Administrators**

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- Promote a safe, orderly and stimulating school environment;
- Support active teaching and learning and reinforce the responsibilities of the Principals;
- Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- Demonstrate desirable standards of behavior through personal example;
- Provide each employee with a copy of the Code of Conduct;
- Review with school administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Exemplify and reinforce acceptable student dress, personal cleanliness and general appearance and help students develop an understanding of appropriate appearance in the school setting.

### **The Role Of The Board Of Education**

As the elected officials in charge of our schools, the Board of Education:

- Adopts the policies governing the District, including the Code of Conduct;
- Ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensures that the Code of Conduct is clearly communicated to students, parents/guardians, staff and the school community;
- Ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- Leads by example by conducting Board meetings in a professional, respectful, courteous manner;
- Is cognizant of and communicates to all administrators, changes in and additions to State Education Department and Board of Regents curriculum and instructional rules and regulations.

### **Dissemination, Review And Revision**

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;
- 2) Making copies of the Code available to all parents/guardians, students, teachers and other staff members and community members on the District website;
- 3) Providing all current teachers and other staff members with a copy of any amendments to the Code as soon as practicable after adoption;
- 4) Providing all new employees with a copy of the current Code of Conduct when they are first hired.

The Board of Education will review this Code of Conduct 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 students, teachers, administrators, 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 in which school personnel, parents, students and any other interested party may participate. Within 30 days of the adoption of an amended Code of Conduct, the Board will send a copy to the Commissioner of Education.