

PAWLING CENTRAL SCHOOL DISTRICT

2016-2017

CODE OF CONDUCT

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CODE OF CONDUCT

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5300.05 Introduction

The Board of Education recognizes the district's responsibility for ensuring the safety of all students in school buildings or on school grounds, and/or participating in school activities.

In addition, school personnel shall be conscious of suspicious strangers loitering in or near the school. The Building Principal shall notify law enforcement agencies if the circumstances seem to warrant it. Students shall be instructed to notify teachers, their parents/guardian(s), police or school officials of any suspicious strangers.

The Board recognizes its responsibility to include in the curriculum instruction on student safety and welfare as is required by law. The Board also recognizes its' responsibility to establish rules of public conduct on school property.

The Board of Education and School District personnel cooperate actively with all Dutchess County Law Enforcement personnel and other county agents/agencies such as the court system and various welfare/social agencies to ensure quality communication and provide maximum services and safety to students, parents and staff. The Board of Education supports the use of and participates in the Dutchess County Sheriff's Department School Resource Officer program. In addition the Board of Education directs school personnel to report illegal activities to the appropriate law enforcement agencies.

The safety of students will be assured through supervision of students on school premises and on school buses. The Board of Education has set expectations for conduct and consequences of unacceptable conduct in this Discipline Code. This code which has been collaboratively developed with teachers, administrators, parent organizations and school safety personnel will be annually reviewed, including a public hearing, to evaluate its effectiveness, fairness and consistency.

5300.10 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.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law. §11(4) and Executive Law §292(21)).

“Cyberbullying” means harassment or bullying as defined in this section where such harassment or bullying occurs through any form of electronic communication.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§ 11(4) and 1125(3))

“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 Education Law §11(1).

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11(1) and Vehicle and Traffic Law §142).

"School function" means any school-sponsored extra-curricular event or activity on or off school property as defined in Education Law §11(2).

“Sexual Orientation” shall mean actual or perceived heterosexuality, homosexuality or bisexuality”.

“Gender” shall mean actual or perceived sex and shall include a person’s gender identity or expression.

“Harassment” or bullying shall mean the creation of a hostile school environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law § 11(8). that either has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, and or physical well being; or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm, or reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety; Such conduct includes acts of harassment and/or bullying that occur (1) on school property; and/or (2) at a school function; or (3) off school property where such acts of harassment and bullying create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but are not limited to: verbal threats, intimidation, or abuse based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Hostile Environment” in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

“Emotional Harm” in the context of harassment and bullying refers to harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

“Material Incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of subpart K of this section, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon or other dangerous instrument capable of causing physical injury or death.

5. Threatens, while on school property or at a school function, to use a weapon or other dangerous instrument capable of causing physical injury or death.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.
 - a. “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, switchblade, knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, can sword, electronic dart gun, Kung Fu star, 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.

5300.15 Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, 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, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be protected from intimidation, harassment, bullying, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity, sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.

7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination.

5300.20 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.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

B. Teachers and Other Instructional Staff

All district teachers and other instructional staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.

2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Confront issues of discrimination, bullying, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination, bullying, and harassment that are witnessed by teachers or other instructional staff or who receive an oral or written report of such conduct, in which case such conduct shall be promptly reported to the building administrator, the Superintendent of Schools or his/her designee, and/or the Dignity Act Coordinator (DAC) within one (1) school day of when they witness or receive the report and within two (2) school days thereafter shall file a written report with the principal, Superintendent of Schools, or their designee.
8. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline.
9. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Guidance 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 with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

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 and 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. Report orally any incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator, Superintendent of Schools and/or their designee, which may be the Dignity Act Coordinator within one (1) school day and shall file a written report of such incident with the designated official to receive these reports within two (2) school days after making an oral report.

D. Principals and Supervisory Personnel

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 on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. 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 and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen student' self-image and promote confidence to learn.
7. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying, and/or harassment that are submitted to the Principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
8. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to the provisions of 100.2(1)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or

discrimination, eliminate any hostile environment and create a more positive school culture and climate.

9. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
10. Shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
11. Shall provide a regular report on data and trends related to harassment, bullying and/or discrimination to the Superintendent. A “regular report” shall mean at least once during each school year in a manner proscribed by the District

E. Superintendent and District Administration

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

10. The Superintendent and/or their designee shall notify promptly the appropriate law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
11. Shall receive the regular report on data and trends related to harassment, bullying and/or discrimination from the principal.

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator (DAC) in each school building who has the appropriate licensure and/or certification by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of schools. The Dignity Act Coordinator will be thoroughly trained to handle human relations in areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.
5. Ensure that each Dignity Act Coordinator will be provided with training in the identification and mitigation of harassment, bullying and discrimination.
6. Ensure that each Dignity Act Coordinator shall be provided with training strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
7. Submit an annual report of material incidents of harassment, bullying and/or discrimination that occurred in such school year to the Commissioner in accordance with Education Law Section 15.
8. Ensure that each Dignity Act Coordinator will be accessible to students and other staff

members for consultation and advice as needed on the Dignity Act.

9. Submit an annual report of material incidents of harassment, bullying and/or discrimination that occurred in such school year to the Commissioner in accordance with Education Law Section 15.
- 10 Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

5300.25 Student Dress Code

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

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

1. Be safe, appropriate and not disrupt or interfere with the education process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments as well as those that expose private body parts are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed *Due to the necessity to move among multi-levels throughout the day in the middle school, backless shoes and sandals are not allowed in the middle school building in order to prevent accidents.*
5. Not include the wearing of headgear in the school building except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, weight, religion or religious practice, creed, national origin, gender and gender identity, sexual orientation, sex or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs, encourage other illegal or violent activities or gang related paraphernalia.

Building principals and teachers shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

5300.35 Reporting Violations

A. Reporting Violations

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

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

The principal, the principal's designee or the Dignity Act Coordinator (DAC) will investigate the complaint by;

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witness(es), if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notifying him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time:
 - Access to private bathroom facilities;
 - Access to private locker room facilities;
 - An escort during passing periods;

- A “stay away” agreement;
- If the student feels unsafe in a specific class, an opportunity for individual tutoring, independent study until the case is resolved, or change in class assignment;
- An opportunity for independent study at home with District-provided tutor until the case is resolved;
- Permission to use personal cell phone in the event that the student feels threatened and needs immediate assistance;
- Assignment of a bus monitor,
- Counseling support
- Adjustments in hallway traffic
- Targeted use of monitors (e.g. hallway, cafeteria, etc.)
- Law enforcement (e.g. School Resource officer)

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

The investigator shall report back to both the target and the accused, within ten school days, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The target will be advised to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or district designee believes that a reported incident may constitute criminal action, the District shall notify the proper law enforcement agency promptly and shall notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- i. discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- ii. suggesting counseling, skill building activities and/or sensitivity training;
- iii. conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- iv. requesting a letter of apology to the target;
- v. writing letters of caution or reprimand; and/or
- vi. separating the parties;
- vii. establishing a "stay away" agreement
- viii. Parent conferences
- ix. Law enforcement (e.g. School Resource Officer)
- x. Corrective instruction or other relevant learning or service experience
- xi. Behavioral assessment and/or evaluation
- xii. Behavioral management plan
- xiii. Student counseling

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

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

B. Retaliation Prohibited

Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior, is strictly prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

5300.40 Disciplinary Penalties, Procedures and Referrals

The rights afforded to students in our district to attend the public schools are substantial, as expressed in the New York State Constitution, Education Law, Board of Education policies, and as set forth in the Student Bill of Rights and Responsibilities. However, a student's rights as a student are subject to limitation, suspension and, in certain instances, permanent suspension from attendance in our schools when his/her conduct or condition is found to be in violation of the provisions of this Code. In addition, the Board directs the Superintendent of Schools, principals or designees to report suspected illegal activities to Law Enforcement Agencies for appropriate action. These reports will be made through the School Resource Officer when available.

Students are encouraged and expected to report violations of the code of conduct to a teacher, guidance personnel or the principal. All district staff are expected to adhere to and uphold the Code of Conduct in a fair and consistent manner.

Discipline is most effective when it is timely, fair and consistent. The student's age, the nature and circumstances of the offense and the student's prior record should be considered in determining discipline which, as a general rule, will be progressive. If conduct is related to a disability, the discipline shall be consistent with Special Education law and when necessary a committee on Special Education should be convened.

A. Infractions and Penalties

The following shall constitute **appropriate disciplinary measures** authorized by this Student Code of Conduct and the authorization of school personnel to impose that penalty consistent with the student's right to due process.

1. Oral warnings
2. Written warning-bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Suspension from transportation-principal or designee, Superintendent
4. Suspension from athletic or extra curricular participation or event coaches, principal, superintendent, official chaperones
5. Suspension of other privileges-principal, superintendent(includes campus driving, parking)
6. Detention
7. In-School Suspension

8. Removal from classroom by teacher for up to two days. (A teacher may also send a student to the principal or guidance counselor or other appropriate staff member without the formal process of removal from class.)
9. Suspension from school for up to five school days
10. Suspension from school in excess of five days
11. Suspension from school for at least one year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined to be related to his/her disability, placement in an alternative educational setting for a period of up to 45 days.
12. Placement in an interim alternative educational setting for a period of up to 45 days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
13. Permanent suspension
14. Loss of credit or zero grade

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

B. Infractions with Penalty (This list of infractions is an example list; penalties may be imposed for unlisted infractions)

1. Disturbances which disrupt instruction (1, 2, 3, 4, 6, 7, 8, 9)
2. Abusive language directed at staff or peers on school grounds or at school activities (1, 2, 3, 4, 6, 7, 8, 9, 10)
3. Engaging in harassing, bullying or discriminatory conduct, including through threats, intimidation or abuse which may include verbal and non-verbal actions, which has or would have the effect of unreasonably and substantially interfering with a student's educational

performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would be reasonably expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a physical injury to a student or to cause a student to fear for his or her physical safety; or well being or creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. (1, 2, 3, 4, 5, 6, 7, 8, 9, 10))

4. Carelessness in failing to follow school rules and staff directions (1, 2, 3, 4, 5, 6, 7, 8, 9)
5. Dress or grooming which is disruptive to the educational process or which creates a danger to the student and/or others (1, 2, 4, 7, 8, 9)
6. Possession of obscene materials (1, 2, 3, 4, 7, 8, 9)
7. Smoking, other tobacco use, or possession of tobacco products (1, 2, 3, 4, 7, 9).
8. Cheating in any academic or extracurricular or cocurricular activity (1, 2, 4, 7, 8, 9, 10, 14)
9. Abusive, threatening and/or insubordinate gestures, words or actions directed at school employees, students, or others which provoke a fight or intimidate or violate another student or school employee's civil rights, including through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practices, gender, gender identity and expression, sexual orientation, age or disability that substantially disrupts the educational process or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being. (2, 3, 4, 6, 7, 8, 9, 10, 12)
10. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction herein and for failing to notify a parent of assignment to detention (1, 2, 3, 4, 5, 6, 7, 8, 9)
11. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation (2, 3, 4, 6, 7, 8, 9)
12. Harassment and bullying, which includes the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such acts of harassment and bullying include those that occur on school property; at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Harassing and

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bullying behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender and gender identity.

13. Fighting between students where harm is caused to one or more of the combatants (3, 4, 5, 7, 8, 9, 10, 12)
14. A fight involving the use or threatened use of a dangerous or deadly weapon (9, 10, 11, 12, 13)
15. An unprovoked assault against another student or person in the schools (7, 8, 9, 10, 11, 12)
16. An unprovoked assault against another student or person in the schools which causes bodily harm (7, 8, 9, 10, 11, 12, 13)
17. Possession of dangerous or deadly weapons on school property (7, 8, 9, 10, 11, 12, 13)
18. Possession of illegal drugs, dangerous drugs, counterfeit drugs, alcohol, prescription medications or over the counter medicines in school or at school events (7, 9, 10, 11, 12, 13)
19. Use of illegal drugs, dangerous drugs, counterfeit drugs, over the counter drugs, or alcohol at school or while attending school events (7, 9, 10, 11, 12, 13)
20. Sale of illegal drugs, alcohol, over the counter drugs, or counterfeit drugs at school or while at school events (9, 10, 11, 12, 13)
21. Possession of fireworks on school property or at school events (4, 5, 7, 9, 10, 11, 12)
22. Use of fireworks while on school property or at school events (9, 10, 11, 12)
23. Commission of conduct which constitutes a misdemeanor while on school property or at a school event (7, 9, 10, 11, 12)
24. Commission of conduct which constitutes a felony while on school property or at a school event (7, 9, 10, 11, 12, 13)
25. Gambling (7, 8, 9, 10)
26. Hazing (7, 8, 9, 10)
27. Lewd behavior (7, 8, 9, 10, 12)
28. Extortion (7, 8, 9, 10, 12)

29. Plagiarism (4, 7, 8, 9, 10, 14)
30. Arson (4, 5, 7, 9, 10, 11, 12, 13)
31. Intentional destruction of school, staff, student or visitor property (9, 10, 11, 12, 13)
32. Theft of school property (7, 9, 10, 11, 12, 13)
33. False reporting a fire, bomb or other threat, misuse of 911 or inappropriately discharging a fire extinguisher or other alarm (3, 4, 6, 7, 9, 10, 11).
34. Threat of violence which endangers the health, safety and/or welfare of the student or others (9, 10, 11, 12, 13)

THE REPETITION OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.

CHRONIC REPETITION OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION

THE SUPERINTENDENT OR DESIGNEE REFERS ILLEGAL ACTIVITIES TO THE APPROPRIATE LAW ENFORCEMENT AUTHORITIES

THE ABOVE EXAMPLES OF INFRACTIONS AND PENALTIES FOR VIOLATING THE CODE OF CONDUCT ARE OFFERED AS A GENERAL GUIDE TO THE COMMUNITY. IT MUST BE UNDERSTOOD, HOWEVER, THAT THE CONSEQUENCES OF A PARTICULAR ACT OF MISCONDUCT BY A STUDENT WILL DEPEND UPON THE PARTICULAR CIRCUMSTANCES OF THE INCIDENT INVOLVED AND THE DISCIPLINARY HISTORY OF THE PARTICULAR STUDENT INVOLVED. DEPENDING ON THE FACTS AND CIRCUMSTANCES OF THE INCIDENT, IT MAY ALSO INCLUDE MISCONDUCT WHICH IS SCHOOL-RELATED BUT OCCURS OFF SCHOOL PROPERTY.

C. Procedures

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

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

1. Detention

Teachers, principals and the superintendent may use 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 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 attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

3. Suspension from athletic participation, 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 building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension."

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

5. Removal from classroom by a Teacher

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 another classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student’s behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two 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. Only after the informal discussion may a teacher remove a student from the class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.

The teacher must complete a district-established disciplinary removal form, a class assignment form to allow the student to continue learning in the in-school suspension environment, 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 forms. If the principal or designee is not available by the end of the same school day, the teacher must leave the completed form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 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. If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.

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.

The principal will 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. If the 48-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. If the 48-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Repeatedly disruptive students, those removed by a classroom teacher at least four times in one semester will be subject to up to three days out of school suspension. Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

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

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

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

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

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

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

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

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

an informal conference shall take place as soon after the suspension as is reasonably practicable.

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

Hearing Procedures

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 30 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.

C. Referrals

1. Counseling

The Guidance Office shall initially handle all referrals of students to counseling. Students may then be referred to administrators, school psychologists, the School Resource Officer, school social worker, a teacher or other appropriate school personnel. Students found guilty of harassment or discrimination may be referred for counseling.

2. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

3. Law Enforcement Notification

The Board of Education had directed that illegal activities be referred to the appropriate law enforcement agency.

4. 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.

5. Juvenile Delinquents and Juvenile Offenders

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

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

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

5300.45 Alternative Instruction

1. A student assigned to in-school suspension automatically receives opportunity for continued instruction either through an in-school suspension room or through other arrangements made by the Principal or his designee.
2. When student behavior is substantially disruptive, the teacher may remove the student from class for up to two days. The teacher will provide work for the student to be completed in the in-school suspension room during this time out of class.
3. No student of compulsory school age shall be suspended from attendance in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of assignments, home instruction or instruction in an alternative setting.
4. In the event that a student within the compulsory education ages of six and the school year in which he/she becomes sixteen is suspended from attendance upon instruction in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

5300.50 Discipline of Students With Disabilities

The Board of Education adopts the policy below to assure that any student with disabilities as defined in state or federal law who is facing an out of school suspension pursuant to Education Law §3214 is afforded the additional procedural protections provided under the Individuals with Disabilities Education Act (“IDEA”), §504 of the Rehabilitation Act, Article 89 of the New York State Education Law and Part 201 of the New York State Code of Rules and Regulations (“NYCRR”).

RELEVANT DEFINITIONS

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

Disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either for more than 10 consecutive school days; or for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

IAES means a temporary educational placement other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to participate in the general curriculum; to progress towards the goals set out in the IEP, although in another setting, and includes as necessary, services and modifications to address the behavior which precipitated the IAES placement designed to prevent the behavior from recurring.

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.

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 two and one-half inches in length.

Illegal drug means a controlled substance other than a substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.

A Student Presumed to be a Student with a Disability – a District shall be deemed to have knowledge that a student may be a student with a disability, when:

- (1) the parent of such student has expressed concern 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 expression of

concern 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 concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education of the District or to other supervisory personnel of the District in accordance with the District's established child find or special education referral system.

Expedited Evaluation: Where a parent of a student who faces disciplinary action refers the student for an evaluation and there is no basis to presume the student may be disabled, the Committee shall complete all evaluations within 15 business days of the referral and convene a meeting to determine whether the student is a student with a disability within 5 business days thereafter.

SUSPENSIONS OF STUDENTS WITH DISABILITIES UP TO 10 DAYS IN THE COURSE OF A SCHOOL YEAR.

FIVE SCHOOL DAY SUSPENSION OR REMOVAL. Except as provided below, the superintendent or principal shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting (IAES), another setting or suspension for a period not to exceed 5 consecutive school days, and not to exceed the amount of time that a non-disabled student would be subject to suspension for the same behavior.

TEN SCHOOL DAY SUSPENSION OR REMOVAL. Except as otherwise provided below, the superintendent, may order the placement of a student with a disability into an interim alternative educational setting, (IAES), another setting or suspension for up to 10 consecutive school days for the same behavior, where the superintendent determines in accordance with the procedures set forth in Education Law § 3214 that the student has engaged in behavior that warrants a suspension, provided that the duration of any such suspension or removal shall not exceed the amount of time that a non-disabled student would be subject to suspension for the same behavior. A superintendent of schools may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct.

EXCEPTION FOR PATTERN OF SUSPENSIONS OR REMOVALS THAT CONSTITUTE A CHANGE OF PLACEMENT. A student with a disability may not be removed under the provisions set forth above, if imposition of a suspension or removal for 5 or 10 school days would result in a disciplinary change in placement based on a pattern of suspensions or removal except where the manifestation team determines that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES for up to 45 school days upon a finding that the student carried or possessed a weapon to or at school or on school premises, knowingly possessed, used, sold, or solicited illegal drugs while at school or involved in a school sponsored function under the jurisdiction of the school district, or inflicted upon another person seriously bodily harm while at school, on school grounds or in a school sponsored activity, as those terms are defined above.

SUSPENSIONS OF STUDENTS WITH DISABILITIES OVER 10 DAYS IN THE COURSE OF A SCHOOL YEAR. Any suspension of a student with a disability who is suspended from school for more than ten days over the course of the school year, shall be referred to the committee on special education which shall arrange for the student's placement in an IAES during the time of such suspensions.

SUSPENSIONS OR REMOVALS THAT CONSTITUTE A CHANGE OF PLACEMENT.

****THE MANIFESTATION TEAM MUST CONVENE BEFORE FURTHER SUSPENSION IMPOSED.**

Where a suspension from school constitutes a change in placement as defined above, the student shall not be subject to further disciplinary removal until the student is referred to the Manifestation Team.

Exception: If the student is found guilty of possessing, using, selling or soliciting illegal drugs, the use or possession of a weapon or the infliction of serious bodily injury as defined above, where the superintendent may suspend the student for up to 45 school days even if the Manifestation Team finds that the behavior leading to the student's suspension was related to the student's disability.

MANIFESTATION FOUND

Where the Manifestation Team finds that the behavior leading to the suspension is related to the student's disability, no further suspension may be imposed and the student must be returned to his or her placement prior to the suspension, unless the committee decides to recommend a new placement with which the parent agrees, the child shall return to his/her placement at the time the suspension was imposed or the behavior involved drugs, weapons, or inflicted serious bodily injury.

NO MANIFESTATION FOUND

If the Manifestation Team finds that the behavior leading to the student's suspension is not a manifestation of the student's disability, the student shall be referred back to the hearing for the Penalty Phase where the superintendent may impose the same period of suspension applicable to a non-disabled student.

STUDENTS FOUND TO BE DANGEROUS WHO ARE NOT SUBJECT TO AN AUTOMATIC 45 SCHOOL DAY REMOVAL

If the Superintendent concludes, based upon the evidence presented at hearing, that maintaining the student in his or her current educational placement is dangerous, the Superintendent shall refer the matter to the CSE to determine whether any additional steps can be reasonably taken to minimize the potential for harm. If the committee is unable to identify any additional supports or services to eliminate the danger, and the committee is unable to reach a mutually agreeable

alternative plan to continue the student's education elsewhere, the Director of the Special Education, shall, after consultation with the Superintendent, initiate an expedited hearing or petition a court to seek permission to enforce a unilateral removal of the student.

STUDENTS PRESUMED TO BE DISABLED

Upon the request of a parent, or school personnel, the individual authorized to impose a suspension shall determine whether such student is a child presumed to have a disability as defined above.

If the superintendent or principal, as applicable, determines that a student subject to a suspension is not a student presumed to have a disability, the student shall be subject to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

A student presumed to be disabled, shall be afforded the same protections as students with disabilities and shall be evaluated and eligibility determined by the committee in an expedited manner.

If a person authorized to refer a student to the committee on special education for an individual evaluation makes such a referral after the behavior which led to the suspension occurred, the child shall receive an expedited evaluation. Until the expedited evaluation is completed and the CSE has convened to determine eligibility, such student shall be subject to the same disciplinary measures as other non-disabled students who engaged in comparable behaviors.

NOTICE OF DISCIPLINARY REMOVALS

The district shall provide parents of students with disabilities with notice of the disciplinary removal no later than the date on which a decision is made to change the student's placement to an IAES or to invoke a disciplinary change of placement.

REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

The district shall report those alleged crimes committed by a child with a disability, to appropriate authorities, to the same extent it would report such crimes committed by non-disabled students and such action will not constitute a change of the student's placement.

The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported in a manner consistent with state and federal confidentiality laws.

5300.60 Student Searches and Interrogations

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

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A., 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 the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control

over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

C. 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 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 item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. 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.

Before police officials are permitted to question or search any student, the 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, unless the student is 16 years of age or older. 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:

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.

E. 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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room

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

5300.70 Public Conduct on School Property

The Board of Education recognizes that the primary purpose of the district is to provide an atmosphere for learning and education. Any action by an individual or group, aimed at disrupting, interfering with or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to implement this policy as required by Education Law §2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

These rules govern the conduct of officers, students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

A. Prohibited Conduct

No person, either singly or in concert with others, shall:

1. obstruct or disrupt the teaching, research, administration, disciplinary procedures or other school district activities;
2. willfully cause physical injury to any other person nor threaten to do so, for the purpose of compelling or inducing , such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
3. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 5314, Corporal Punishment Complaints, or when the person is acting in lawful defense of him/herself or another person;
4. willfully damage or destroy property of the district or property under its jurisdiction, nor remove or use such property without authorization;
5. without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;

6. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
7. without authorization, remain in any building or facility after it is normally closed;
8. refuse to leave any building or facility after being directed to do so by an authorized administrative officer, member of the faculty or staff member;
9. obstruct the free movement of persons and vehicles in any place to which these rules apply;
10. disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or interfere with the freedom of any person to express his/her views, including invited speakers;
11. have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent of Schools or his/her designee, whether or not a license to possess the same has been issued to such person (peace officers are excluded from this prohibition);_
12. use, possess, sell or distribute alcohol or controlled substances as defined in Board policy 5312.1, Drug and Alcohol Abuse;
13. smoke or use tobacco related products in school buildings, on school property or grounds (including personal vehicles on grounds), or school vehicles;
14. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;
15. violate any federal or state statute, local ordinance, or Board policy; and/or
16. intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, religion or religious practices, age, gender, gender identity or expression, sexual orientation or disability on school grounds or at a school function.

B. Penalties and Procedures

A person who violates any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.

2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.
3. If he/she is a student, he/she shall be subject to immediate ejection and to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by section 3214 of the Education Law, so long as the provisions pertaining to notice and hearing have been met.
4. If a tenured faculty member, he/she shall be subject to immediate ejection, and to warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with section 3020 a of the Education Law.
5. If a staff member in the classified service of the civil service, he/she shall be subject to immediate ejection and to the penalties and procedures prescribed in section 75 of the Civil Service Law.
6. If a staff member other than one described in subdivisions 4 and 5, he/she shall be subject to immediate ejection and to dismissal, suspension without pay or censure.

C. Enforcement Program

1. Any violation of the rules governing conduct shall be reported to the Building Principal. He/She will investigate the case thoroughly and submit a written report to the Superintendent.
2. The Superintendent of Schools and/or Principal shall be responsible for the enforcement of these rules and shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
3. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent, Principal, or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties were their continued presence and conduct is in violation of these rules.
4. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent, Principal, or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.

5. The Superintendent, Principal, his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules, and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

This regulation and the penalties contained herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal law, state law, or local ordinance and the imposition of a fine or penalty provided for therein.

D. Amendment

These rules and regulations may be amended or modified by the Board of Education. All future amendments shall be filed with the Board of Regents and Commissioner of Education not later than 10 days after adoption.

5300.75 Dissemination and Review

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 in an age-appropriate plain-language version at a general school 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.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines for promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom. Such training shall be designed to raise staff awareness and sensitivity to potential discrimination or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their recurrence. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website.

B. Review of Code of Conduct

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

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

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The change in name and/or contact information of the Dignity Act Coordinator (DAC) will not constitute a revision to the Code of Conduct so as to require a public hearing.

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

<u>Cross ref:</u>	5020	Equal Opportunity
	5020.1	Sexual Harassment of Students
	5020.1R	Regulation on above
	5020.2	Racial Harassment
	5020.2R	Regulation on above
	5020.3	Section 504
	5020.3R	Regulation Governing 504
	5305	Eligibility for Extra-Curricular Activities
	5312.1	Drug and Alcohol Abuse
	5312.2	Dangerous Weapons In School
	5320	Student Conduct on School Buses
	5320R	Regulation on above
	5450	Student Safety
	5450.1	Paroled Sex Offenders
	5450.1R	Regulation on above

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