

CODE OF CONDUCTOysterponds Union Free School DistrictTABLE OF CONTENTS

	<u>PAGE</u>
5300.05 Introduction.....	2
5300.10 Definitions.....	2
5300.15 Student Rights and Responsibilities.....	4
5300.20 Essential Partners.....	5
5300.25 Student Dress Code.....	9
5300.30 Prohibited Student Conduct.....	10
5300.35 Reporting Violations.....	15
5300.40 Disciplinary Penalties, Procedures & Referrals.....	15
5300.45 Alternative Instruction.....	26
5300.50 Discipline of Students with Disabilities.....	26
5300.55 Corporal Punishment.....	32
5300.60 Student Searches and Interrogations.....	33
5300.65 Visitors to Schools.....	36
5300.70 Public Conduct on School Property.....	37
5300.75 Dissemination and Review.....	39

**5300.05 INTRODUCTION**

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

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

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

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

**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 substantially interrupts the educational process or substantially interferes with the teacher’s authority over the classroom.

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

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

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

“School function” means any school-sponsored extra-curricular event or activity.

“Sexual orientation” means actual or perceived heterosexually, homosexuality or bisexuality.

“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.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“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, cane 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.

“Discrimination” means discrimination against any student by a student and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation, bullying or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, including gender identity or expression.

“Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other handheld device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs and twitter.

The term alcohol and/or other contraband substances shall be construed throughout this policy to refer to the use of all contraband substances including but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids, and any of those substances commonly referred to as designer drugs. The use of prescription and over the counter drugs in violation of policy 5420 shall also be prohibited. The term “trespassing on school property” is defined as entering on school grounds without permission from the administrator in charge of those grounds.

### **5300.15 STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. Student Rights**

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive 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.

#### **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 manage their anger;

7. Ask questions when they do not understand;
8. Seek help in solving problems;
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.

## **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 and collaborate with the district to optimize their child's educational opportunities;
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. Ensure 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 so that their children can help create a safe, supportive school environment;
8. Convey to their children a supportive attitude toward education and the district;
9. Build positive, constructive 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.

### **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, 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. Maintain confidentiality in conformity with federal and state law;
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement of students;
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law;
9. Address issues of 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;
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;

C. Guidance Counselors/Social Workers/School Psychologists

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career exploration.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of 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.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state laws.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of 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.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

E. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of 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.
10. Address personal biases that may prevent equal treatment of all students and staff.

F. The Dignity Act Coordinator

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of 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.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of 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.
10. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.
5. 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.
6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
7. Address issues of 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.
8. Address personal biases that may prevent equal treatment of all students and staff.

**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.

Students shall:

1. Attend school appropriately dressed in a manner that meets health and safety standards and does not interfere with the learning process;
2. Cover midriffs and underwear; they shall wear pants, shorts, skirts and skorts, no shorter than mid-thigh in length, including slits;
3. Not wear tube tops, net tops, halter tops, plunging necklines (front or back) and see-through garments.
4. Not wear items that:
  - a. Might be considered vulgar, obscene or libelous;
  - b. Denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability;
  - c. Promote or endorse the use of alcohol, tobacco or illegal drugs;
  - d. Encourage illegal or violent activities;

- e. Are contrary to the school's educational mission;
- 5. Wear safe footwear at all times;
- 6. Not wear hats in the classroom except for medical or religious purpose.

The building principal or his/her designee shall inform 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 and who repeatedly fails to comply with the dress code shall be subject to disciplinary action.

### **5300.30 PROHIBITED STUDENT CONDUCT**

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
  - 1. Running in hallways;
  - 2. Bullying and harassing students or school personnel;
  - 3. Making unreasonable noise;
  - 4. Using language or gestures that are profane, lewd, vulgar or abusive, including inappropriate racial or ethnic remarks;
  - 5. Obstructing vehicular or pedestrian traffic;

6. Engaging in any willful act which disrupts the normal operation of the school community;
  7. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
  8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy;
  9. Threatening another with bodily harm;
  10. Intimidating students or school personnel;
  11. Engaging in conduct constituting sexual harassment;
  12. Wearing clothing or attire that bear an expression or insignia which is obscene or libelous, which advocates racial or religious prejudice, or which is disruptive;
  13. Wearing clothing or attire which do not meet health and safety standards, or which interfere with or are inconsistent with the learning process or its goals;
  14. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
  2. Lateness for, missing or leaving school without permission;
  3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students;
  2. Inappropriate sexual contact;
  3. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, digital cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee or another person or attempting to do so;
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so;

3. Possessing a weapon or any object which is not necessary for school activities and which could be used as a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
  4. Displaying what appears to be a weapon;
  5. Threatening to use any weapon;
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury;
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
  4. 4 Discrimination, which includes the use of race, color, creed, national origin, religion, religious practice, sex, gender (identity or expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others;
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment. (See Policy #0115, Anti-Bullying and Harassment for a more complete definition);
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
  7. Bullying which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. (See Policy #0115, Anti-Bullying and Harassment for a more complete definition);
  8. Hazing, which includes an induction, initiation or membership process involving harassment (See Policy # 0115 for a more complete definition);
  9. Selling, using or possessing obscene material;
  10. Using vulgar or abusive language, cursing or swearing;
  11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines,

heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”

13. Inappropriately using or sharing prescription and over-the-counter drugs.
  14. Gambling.
  15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in or assists another in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism, including using unauthorized notes or devices or using authorized device in an unauthorized manner;
  2. Cheating, including copying another student’s examination or assignments, and using personal notes, commonly known as crib sheets; or
  3. Altering records, tampering with grades assigned by a teacher including changing and/or falsifying a grade in school records.
- H. Engages in conduct violative of the Board’s rules and regulations for the maintenance of public order on school property or at school functions. Examples include:
1. Willful destruction, damage, defacement, or other vandalism of school and/or personal property (including graffiti or arson);
  2. Theft;
  3. Tardiness;
  4. Missing or leaving school without permission;
  5. Truancy;
  6. Possession/use/sale/distribution of alcohol and/or contraband substances;
  7. Possession/use of drug paraphernalia;
  8. Possession/use of any firearm or other weapon or any object which is not necessary for school activities and which could be used as a weapon, or appear to be a weapon;
  9. Possession of fireworks;
  10. Possession or use of tobacco or tobacco products;
  11. Gambling;
  12. Trespassing on school property; or
  13. Hazing.

- I. Engages in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:

1. Cyberbullying (i.e., inflicting willful and/or repeated harm the the use of electronic text);
2. Threatening or harassing students or school personnel over the phone and email;
3. Using message boards or social media to convey threats, derogatory comments or post pornographic pictures of students or school personnel.

- J. Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

The term hazing includes, but is not limited to:

1. Any humiliation, degrading or dangerous activity demanded of a student to join a group, regardless of the students willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student);
2. Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restraint or confinement, calisthenics or other activity that subjects any student to any risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Substance Abuse - use or abuse of tobacco, alcohol or illegal drugs as a condition of initiation, affiliation, or participation in a student organization.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation, that adversely affects the health or dignity of the students or discourages the students from remaining in school;
5. Any activity that causes or requires the student to perform a task or act that involves violation of law or of school district policies or regulations.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of hazing, and persons with knowledge of hazing, report the harassment immediately. The district will promptly investigate all complaints of hazing, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student has violated this policy, prompt corrective action will be taken in accordance with this Code.

### **5300.35 REPORTING VIOLATIONS**

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

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The principal or his or her designee may be permitted, but not mandated, to notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

### **5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Disciplinary Procedures shall be fundamentally fair without imposing unreasonable burdens upon school authorities or students.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation. Retaliation for reporting incidents of bullying or harassment or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy notwithstanding that the alleged incidents of bullying may have occurred off school property. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

Because discipline is most effective when it deals directly with the problem at the time and place it occurs, teachers will use various resources to create a chance of behavior before seeking outside assistance. Examples of teacher intervention may include, but are not limited to the following:

- a. Teacher-student conference;
- b. Parent notification;
- c. Teacher-assigned detention;
- d. Teacher conference with the school psychologist; and/or
- e. Teacher-parent conference.

When the teacher has made a reasonable effort to bring the positive behavioral changes and has been unsuccessful, the teacher will bring the matter to the attention of the principal or his/her designee.

However, there may be times when an infraction mandates automatic referral to the principal or his/her designee. The principal or his/her designee shall then take immediate action to stop any further prohibited conduct and confiscate any contraband.

The principal or designee may conduct an investigation into reports of misconduct which may include conferences with the complainant, students, parents, teachers, or other pupil service personnel, or other as is deemed appropriate for the early identification and resolution of suspected discipline problems.

If the investigation reveals that the student has committed the misconduct of which he/she is accused, the principal, or designee, shall meet with the accused student and afford the student due process by providing:

1. Oral or written notice of the rule which the student is accused of violating and that disciplinary action may result if the student is found guilty of violating the rule;
2. An explanation of the evidence that indicates that the student violated the rule, if the student denies the violation has occurred; and
3. An opportunity for the accused student to respond to the accusation and the evidence against him/her.

Prior to the imposition of discipline, a student's disciplinary records will be reviewed and the circumstances that led to the improper behavior will be considered. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

## A. Penalties

Disciplinary actions, when necessary, will be firm, fair and consistent in order to be most effective in changing behavior. Such action will be appropriate to the seriousness of the offense, and, when applicable, to the previous disciplinary record of the student in question.

Discipline for violations of the code shall be dependent on the nature of the violation and shall be progressive. This means that, as a general rule, a student's first violation will usually merit a lighter penalty than subsequent violations.

If the student is found to have committed the violation of which he/she is accused, the principal or designee may impose the penalties listed below either alone or in combination. The principal or designee shall take into consideration all relevant factors in determining the appropriate penalty.

The range of penalties that may be imposed for violations of the student disciplinary code include the following:

1. Verbal warning;
2. Written warning;
3. Written notification to parent(s) or guardian(s);
4. Probation;
5. Reprimand;
6. Detention;
7. Suspension from transportation;
8. Suspension from athletic participation and/or extracurricular activities;
9. Suspension from social activities;
10. Suspension of other privileges;
11. Removal from a particular class;
12. In-school suspension or alternative learning class;
13. Suspension for five days or less; or
14. School suspension for more than five days.

### a. Detention

A student may be assigned to detention by any school administrator or member of the faculty.

### b. In-school Suspension or Alternative Learning Class

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom so that a conducive educational environment may be maintained. Therefore, in accordance with this

code, the Board authorizes the Superintendent and his/her designee to provide in-school suspension or an alternative learning class to students who would otherwise be subjected to a suspension from attendance as a result of a disciplinary infraction.

c. Teacher Removal of a Disruptive Student

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student 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 interruption 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.

d. Out-of-School Suspension

The Board, the Superintendent and the Principal will have the power to suspend, for periods not to exceed five school days, a student who, in their judgement, in insubordinate or disorderly, or violent or disruptive or whose conduct endangers the safety, morals, health, or welfare of others, or whose physical or mental condition endangers the health, safety or morals of himself/herself or of others, or whose conduct constitutes bullying or harassment. The Board and/or Superintendent may also suspend such student for more than five (5) days.

If, after the investigation and student conference, it is determined that suspension is the most appropriate penalty, then the procedures outlined in this code will be observed. However, suspension of students with disabilities may only be imposed in accordance with 5300.50.

A student of compulsory attendance age will be offered alternative instruction appropriate to his/her individual needs in the event that he/she is suspended from regular instruction.

e. One Year Suspension for Possession of a Weapon

Any student found to have brought a weapon, as defined in this code, onto school property will be subject to suspension from school for at least one calendar year after a hearing has been provided pursuant to Section 3214 of the Education Law. A student with a disability may only be suspended in accordance with 5300.50.

However, after the penalty has been determined, the Superintendent will review the penalty and may modify such suspension on a case-by-case basis. If the Superintendent believes the penalty of a one year suspension to be excessive, he/she may modify the penalty based on the criteria included, but not limited to:

- (1) The age of the student;
- (2) The student's grade in school;
- (3) The student's prior disciplinary record;
- (4) The superintendent's belief that other forms of discipline may be more effective;
- (5) Input from parents, teachers, and/or others; and
- (6) Other extenuating circumstances.

The Superintendent's determination may be appealed to the Board and the Commissioner of Education.

The Superintendent shall refer any student under the age of 16, who has been determined to have brought a firearm to school to Family Court; students over the age of 16 will be referred to the appropriate law enforcement authorities.

f. Criminal Offense

In addition, if a criminal offense has been committed (for example, false fire alarms or bomb threats, vandalism, use, sale and possession of weapons, alcohol and/or other contraband substances), the police may be notified. Students who willfully destroy, damage, or deface school property shall be subject to prosecution to the

fullest extent possible under the law. Students or their parents or guardians shall reimburse the district for the value of the damaged property as provided by law.

Although occurring off school premises or during non-school hours, a criminal offense which endangers the health, safety, morals, or welfare of the school community or adversely affects the educative process may result in disciplinary action.

g. Chronic Truancy

The district shall initiate a Person in Need of Supervision (PINS) petition in cases of chronic truancy involving students of compulsory education age.

h. Academic Misconduct

In addition to the range of penalties listed above, a student who is found guilty of academic misconduct may receive no credit for the examination, assignment, or course, to which the misconduct is related.

i. Students who Commit Violent Acts other than bringing a weapon to school

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

j. Students who are Repeatedly Substantially Disruptive of the Educational Process or repeatedly substantially interferes with the teacher's authority over the classroom

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

parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

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

## B. Procedures

### 1. In-School Suspension or Alternative Learning Class

Students may be assigned to in-school suspension or and alternative learning class in accordance with the following:

- a. The Principal may impose an in-school suspension or alternate learning class assignment after the student and/or his/her parent(s) or guardian(s) have been given a reasonable opportunity for an informal conference with the principal to discuss the conduct and the penalty involved;
- b. Upon imposition of an in-school suspension or alternate learning class assignment, the student's parent(s) or guardian(s) shall be notified of the dates of the in-school suspension or alternate learning class assignment and a description of the incident(s) which resulted in the in-school suspension or alternate learning class assignment;
- c. The student's teachers will be notified in writing that alternative instruction assignments for the period of in-school suspension must be provided to the student and/or sent to the in-school suspension room;
- d. The suspended student shall report at the beginning of the next day to the in-school suspension room. He/she must come prepared with books, materials, and alternative instruction assignments. Likewise, a student who is assigned to an alternate learning class for instruction shall come prepared with books, materials and assignments to be completed in the alternate learning class;
- e. The student will remain in the in-school suspension room during the full school day with appropriate breaks at mid-morning and mid-afternoon. He/she must be prepared to work the entire day. Individual arrangements will be made for students with disabilities assigned to an alternative learning class so as to provide for continuation of instruction;
- f. The in-school suspension room and alternative learning classroom will maintain a quiet atmosphere, conducive to study, with appropriate rules of behavior.
- g. The in-school suspension teacher(s) will enforce the rules of behavior in the in-school suspension room and will render tutorial assistance where possible. If necessary, the subject teacher will be contacted for assistance. The teacher will

also be alert to student behaviors or problems which may require referral to the Committee on Special Education, school psychologists, or other professional. The teacher will also, where appropriate, recommend steps to improve a student's behavior;

- h. Completed assignments will be turned in to the in-school suspension teacher or the alternative learning teacher. Students are encouraged to attend extra help after school where needed;
  - i. A student's failure to conform with these regulations may result in detention, extended in-school suspension, or out-of-school suspension.
2. Teacher Disciplinary Removal of a Disruptive Student

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 of why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal 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 parent, 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 and the teacher to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- a. The charges against the student are not supported by substantial evidence;
- b. The student's removal is otherwise in violation of law, including the district's code of conduct;
- c. 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.

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.

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.

### 3. Out-of-School Suspension

The following procedures are applicable to the processing of student suspensions:

#### a. Short term (five 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 established.

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 30 business days of the date of the

Superintendent's decision. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long Term (more than five days) Suspension from School

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A 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 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 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.

d. Revocation of Suspension

The Board may, on its own initiative, revoke the suspension of a student whenever it appears to be in the best interests of the school and the student to do so.

C. Alternatives

1. Although counseling is not a penalty and may not be required of a student, it may be offered as an alternative to the imposition of a penalty. In cases where no penalty is appropriate, the principal may recommend counseling when a student may benefit from such services.
2. Involuntary transfer, although not a penalty, may be considered in cases where a non-disabled student's behavior problems indicate the need for transfer and the non-disabled student would benefit from the transfer. A no-disabled student may be transferred only in accordance with Education Law §3214(5).

**5300.45 ALTERNATIVE INSTRUCTION**

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

As a general rule, an alternative program of instruction will also be sought for any student 16 years of age or older who presents a sincere desire to complete his/her high school education.

**5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES**

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply:
  - a. "Suspension" means a suspension pursuant to Education Law §3214.
  - b. "Removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and also means a change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or

herself or others and a change of placement to an IAES for behavior involving weapons, illegal drugs or controlled substances made by a Superintendent in conjunction with a Superintendent's hearing [See 201.2(L)].

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

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

- (1) "Weapon" means the same as "dangerous weapon" under [18 U.S.C. § 930\(g\)\(w\)](#) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that 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.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred.

If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
- (1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - (2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

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

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

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

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

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

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the

district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The district shall, in cases involving the reporting of a crime by a student who has been classified as a student with a disability, transmit a copy of the student's special education and disciplinary records for consideration by the appropriate law enforcement authorities to whom it has reported the crime after consent of the student's parent has been obtained or as otherwise provided under the federal Family Educational Rights Privacy Act.

#### **5300.55 CORPORAL PUNISHMENT**

The Board prohibits the use of corporal punishment by district employees.

1. No teacher, administrator, officer, employee or agent of the Oysterponds School District shall use corporal punishment against a student.
2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student, except as otherwise provided in subdivision (3), below.
3. In situations in which alternative procedures and methods not involving the use of physical force for the following purposes:
  - a. to protect oneself, another student or teacher or any person from physical injury;
  - b. to protect the property of the school or the property of others;
  - c. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

#### Investigation of Complaints

Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools This written complaint will be forwarded to the School Attorney within 7 (seven) days. The Superintendent shall investigate the complaint to determine whether an

incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the School Attorney upon completion of the investigation.

#### Reports to Commissioner of Education

Reports shall be submitted to the Commissioner of Education on or before January 15th and July 15th of each year concerning complaints about the use of corporal punishment during the six month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the district.

### **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.

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

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than 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/Cubbies, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

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

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

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

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment.

Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

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 parents to give the parent the opportunity to be present during the police questioning or search. If the student's parents cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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.

#### D. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the 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 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.

### **5300.65 VISITORS TO THE SCHOOLS**

Parents and other district citizens are encouraged to visit the school. The Board of Education supports visitation as an excellent source of learning about the schools' operations. All visitors to the school must report to the Main Office to sign in upon arrival at the school.

Visitors to Oysterponds School shall be governed by the following rules:

1. The Principal must be contacted by the person or group wishing to visit and prior approval must be obtained for the visit;
2. Parents or guardians wishing to speak with a specific teacher concerning the progress of a child must make an appointment with the teacher;
3. All visitors must enter through the front entrance and report to the Main Office. Upon arrival, they must sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on the school grounds. Visitors must sign out and return badges when leaving the school;
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Principal, so that class disruption is kept to a minimum;
5. Registration will not be required for school functions open to the public, whether or not school-related;
6. Parents or guardians are encouraged to visit the school nurse, school psychologist and other support personnel, by appointment, in order to discuss any problems or concerns the parent/guardian may have regarding the student, whether or not school-related;
7. Any visitor wishing to inspect school records or interview students on school premises must comply with all applicable Board policies and administrative regulations. In questionable cases, the visitor shall be directed to the Superintendent's office to obtain permission for such a visit;
8. The principal is authorized to take any action necessary to secure the safety of students and school personnel. Any unauthorized person on school property will be requested to leave school premises immediately, and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse;
9. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

**5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

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

**A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender(including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.

10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school

function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **5300.75 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 an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year and thereafter on request.
3. Posting the complete code of conduct on the district’s website.
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 complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district’s professional development plan, as needed.

#### **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 code of conduct and any amendments to it will be filed with the Commissioner of Education in a manner prescribed by the Commissioner, no later than 30 days after adoption.

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