

5300 POCANTICO HILLS - CODE OF SCHOOL CONDUCT AND DISCIPLINE

INTRODUCTION:

The Pocantico Hills Central School District is committed to maintaining high standards of education for students in the school. Because the District believes that a child's safety is essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. A healthy educational environment requires that everyone in the school community play a contributing role. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed with input from students, teachers, administrators, parents and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

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

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the school to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and education growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Superintendent's hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

DEFINITIONS:

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

Bullying – means the ongoing targeted victimization of a student whose actions reflect a clear imbalance of power between the perpetrator and the victim. Harassment falls in the same category as bullying.

Cyberbullying – means harassment or bullying through any form of electronic communications.

Discrimination – means the act of denying rights, benefits, justice, equitable treatment or access to facilities available to others, to an individual or group of people because of the group, class or category to which that person belongs.

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

Gender – actual or perceived sex and includes a person's gender identity or expression.

Gender Expression – the way a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender Identity – one’s self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Harassment – means the creation of a hostile environment by conduct or by threats, intimidation or abuse that (a) 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 well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

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

Removal – the act of a teacher in discontinuing the presence of the student in his/her classroom for being disruptive or interfering with the teacher’s authority over the class.

School Property – in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus as defined in [§142 of the New York State Vehicle and Traffic Law](#).

School Function – any school sponsored extra-curricular or other event or activity, whether on or off school property.

Sexual Orientation – actual or perceived heterosexuality, homosexuality or bisexuality.

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

Violent Student – a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so;
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so;
- Possesses, while on school property or at a school function, a weapon;

- Displays, while on school property or at a school function, what appears to be a weapon;
- Threatens, while on school property or at a school function, to use a weapon;
- 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;
- Knowingly and intentionally damages or destroys school district property.

Weapon – a firearm, as defined in the Gun-Free Schools Act ([18 USC §921](#)) [any firearm, including a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device as defined in that law], as well as, any other gun (including water guns, imitations and look-alikes), BB gun or pellet 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 pray; 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. “Weapon” shall also include any other instrumentality or device defined as a “weapon” under any provision of the New York State Penal Law, or under the U.S. Code.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES:

The Pocantico Hills Central School District believes in the right of each child, between the ages of four and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

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

RIGHTS OF STUDENTS:

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- To be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- To learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- To participate in district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, disability or sexual orientation;
- To be informed of all school rules;
- To be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student’s freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of weapons, drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** – Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under “dress code.”
3. **Student Activities** – All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the school district. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. **Student Government** – Students are encouraged to participate in student government. It shall be the duty of the student governmental body to establish

reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

5. Student Clubs and Other Student Organizations – The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as, Board of Education policy or regulations.

6. Privacy Rights [Search and Seizure] – Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, storage spaces and computers assigned to or used by students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the school district and shared with the student.

For privilege activities, such as school dances, students, their guests and any possessions (including vehicles) brought to the event location shall be subject to search for illegal substances (e.g., weapons, alcohol, drugs).

7. Pregnant Students – The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students unless the student's physician determines that the student is disabled and certifies that the student requires home instruction.

8. Student Grievances and Complaints – If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, he/she may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

9. Video Surveillance – Video surveillance cameras may be used in school buildings in areas where there is no “reasonable expectation of privacy” and on school buses to assist the District to maintain student discipline, to safeguard facilities and property of the District and for the safety of students, staff and visitors while on District property.

THE RESPONSIBILITIES OF STUDENTS:

Students attend school so that they may develop to their fullest potential. Each student is expected:

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- To attend school on a regular and punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;
- To respect school property, e.g. lockers, laptops and help to keep it free from damage;
- To obey school regulations and rules made by school authorities;
- To recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as, during any school-sponsored activities;
- To contribute toward establishing and maintaining a safe and supportive atmosphere that generates mutual respect and dignity for all;
- To become familiar with this code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report any incidents to the administration;
- To use their own ideas, works, creations and knowledge in completing examinations, projects, reports. Students who cheat and/or plagiarize (use the ideas or words of another without full acknowledgment or attribution) will receive an academic sanction, which may include a zero on the assignment.

THE RESPONSIBILITY OF PARENTS:

A cooperative relationship between home and school is essential to each student's successful development and achievement. To achieve this wholesome relationship, parents are urged:

- To show an enthusiastic and supportive attitude toward school and education;
- To build a good working relationship between themselves and their child;
- To teach their child self-respect, respect for the law, respect for others and for public property;
- To insist on prompt and regular attendance;
- To listen to the views and observations of all parties concerned;
- To recognize that teachers merit the same consideration and respect that parents expect from their child;
- To encourage their child to take pride in his/her appearance;
- To insist that their child promptly bring home all communications from school;
- To cooperate with the school in jointly resolving any school related problem;
- To inform school officials of changes in the home situation that may affect student conduct or performance;
- To inform and update school officials on medical, legal and other matters that relate to the student in the school setting;
- To set realistic standards of behavior for their child and resolve to remain firm and consistent;
- To help their child learn to deal effectively with negative peer pressure;
- To provide a place conducive for study and completion of homework assignments;
- To demonstrate desirable standards of behavior through personal example;
- To foster a feeling of pride in their child for their school;
- To provide support and positive reinforcements to their child;

- To read, support and help their child to understand the District Code of Conduct and school rules.

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

THE RESPONSIBILITY OF SCHOOL PERSONNEL:

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

- Promote 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 each student's positive self-image;
- Teach the common courtesies by precept and example;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example;
- Report violations of the Code of Conduct to the building principal;
- Immediately report and refer violent students to the Principal or Superintendent of Schools;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law.

THE RESPONSIBILITY OF TEACHERS:

Every teacher knows that he/she works every day with this nation's most precious commodity – the future generation. In view of this responsibility, the teacher must:

- Promote 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 each student's positive self-image;

- Plan and conduct a program of instruction that will make learning challenging and stimulating;
- Recognize that a student's personal and academic frustrations cause some disciplinary problems;
- Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- To read, understand and comply with a student's individualized education plan or §504 plan;
- To read, understand and comply with a student's behavior improvement plan;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- Teach the common courtesies by precept and example;
- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with them;
- Send communications home promptly;
- Immediately report to the principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program or the classroom;
- Treat students in an ethical, responsible and nondiscriminatory manner;
- Help students to reach their maximum potential;
- Serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;

- Explain and interpret the discipline code and other school rules to students;
- Maintain student confidentiality in accordance with federal and state law;
- Enforce the code in all areas of the school and school related activities on and off school grounds;
- Demonstrate desirable standards of behavior through personal example;
- Know the support services available to students and refer students who need such services;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- In the event of removal from class, inform the student and the Principal of the reason for the removal;
- Immediately report and refer violent students to the Principal or Superintendent of Schools;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff.

THE ROLE OF BUILDING ADMINISTRATORS:

As the educational leader of the school, the Principal sets the disciplinary climate for the school, not only for students, but for staff as well. Therefore, the principal must:

- Promote a safe, sound and healthful atmosphere of mutual respect 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;
- Evaluate the program of instruction to achieve a meaningful educational program and the infusion of civility education in the curriculum;
- Help staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- Develop procedures which reduce the likelihood of student misconduct;

- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- Work with students and staff to formulate school regulations;
- Assist staff members to resolve problems which may occur;
- Work closely with parents to establish a wholesome relationship between home and school;
- Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- Establish necessary building security;
- Assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;
- Ensure that students are provided with fair, reasonable, and consistent discipline;
- Comply with pertinent state laws governing hearings, suspensions, and student rights;
- Develop behavior guidelines and appeals procedures in harmony with this “Code of Student Conduct and Responsibilities.”
- Demonstrate desirable standards of behavior through personal example;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law.

THE RESPONSIBILITY OF DISTRICT ADMINISTRATORS:

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

- Promote a safe, sound and healthful atmosphere of mutual respect 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;
- Reinforce and extend the indicated responsibilities of the Principal
- Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning and a safe and supportive environment for students;
- Develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community and ensure that all cases are resolved promptly and fairly;
- Endeavor to provide adequate supervision in all school spaces;
- Demonstrate desirable standards of behavior through personal example;
- Comply with state education law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting;
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students and staff;
- Maintain confidentiality in accordance with federal and state law;
- Disseminate the Code of Conduct and anti-harassment policies to staff.

THE ROLE OF THE BOARD OF EDUCATION:

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

- Promotes a safe, sound and healthful atmosphere of mutual respect 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;

- Adopts the policies governing the District, including this Code of Conduct;
- Ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensures that the Code of Conduct is clearly communicated to students, staff and visitors;
- Ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- Annually reviews the Code of Conduct and updates it as necessary;
- Comply with state education law and regulations regarding mandated reporting of suspected child abuse in the educational setting;
- Addresses issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function;
- Addresses personal biases that may prevent equal treatment of all students and staff;
- Maintains confidentiality in accordance with federal and state law.

CONDUCT OF VISITORS:

In an effort to maintain a safe, orderly, and healthy educational environment that is conducive to learning, all visitors to the District must sign-in at the Main Office of the building, display a picture ID or other acceptable ID, and receive and display a Visitor's Identification Badge. Visitors are expected to conduct themselves in a manner that does not disrupt the order of schools or the educational process and in accordance with the law and this Code of Conduct.

REPORTING CODE VIOLATIONS:

1. To School District Personnel:

Students, teachers and other District personnel are expected to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. Such individuals are required to report any threat of violence, including but not limited to, bomb threats, threats to persons or property, whether by oral, written or electronic means, possession of a weapon, alcohol or

illegal substance on school property or at a school function to a teacher, the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

Any weapon, alcohol, illegal substance or similar item (such as synthetic drugs) found shall be confiscated immediately, if possible, maintained in a secure location, followed by notification to the student's parent and law enforcement as appropriate.

2. To Local Law Enforcement Agencies:

The District will report any acts of violence against persons that constitute a crime, threatened acts of violence, and other violations of the Code of Conduct which constitute a crime and affect the order and security of the school to the appropriate local law enforcement agency (e.g., theft; destruction of school property; assault; false fire reports; arson; bomb threats; use, possession, distribution or sale of drugs or alcohol; use, possession, distribution or sale of a dangerous or deadly object or a potentially dangerous or deadly object) when the child is over the age of 16. This report shall be made as soon as practical but in no event later than the close of business the day the Principal or Acting Building Principal learns of the violation.

When necessary, the District will file a complaint in criminal court against the actor.

3. To Human Services Agencies:

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file:

- A juvenile delinquency petition before the Family Court for a student under the age of 16 who is found to have brought a weapon to school or a student 14 or 15 years old who qualifies for juvenile offender status.
- A person in need of supervision (PINS) petition in Family Court for a student who is habitually truant and not attending school as required by law, engages in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient, or knowingly and unlawfully possesses marijuana.

GUN-FREE SCHOOLS ACT

ANY STUDENT WHO COMES ONTO SCHOOL PROPERTY (OR A SCHOOL EVENT, WHETHER ON OR OFF SCHOOL PROPERTY) WITH A FIREARM, AS DEFINED UNDER THIS ACT (SEE DEFINITION OF “WEAPON” ON PAGE 2), WILL RECEIVE A MINIMUM ONE-YEAR SUSPENSION FROM SCHOOL, SUBJECT TO THE DISCRETION OF THE SUPERINTENDENT OF SCHOOLS TO MODIFY THE PENALTY FOR A STUDENT IF THE SUPERINTENDENT BELIEVES THAT THE ONE YEAR OR LONGER SUSPENSION PENALTY IS EXCESSIVE. THE SUPERINTENDENT SHALL MAKE THE DECISION ON A CASE-BY-CASE BASIS, BASED UPON CRITERIA, INCLUDING BUT NOT LIMITED TO:

1. The age of the student;
2. The student’s grades in school;
3. The student’s prior disciplinary record;
4. The Superintendent’s belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s), and/or others;
6. Other extenuating circumstances.

DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student’s ability to learn and achieve high academic standards, and a school’s ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to, bullying, taunting, hazing and intimidation. The District will, therefore, strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District’s educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at schools-sponsored events which can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline (Bullying and Prevention Intervention – Policy #0115).

REMOVAL OF A STUDENT FROM THE CLASSROOM:

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

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A secondary teacher may request removal of a student for the remainder of the class upon the first event and for two days of class upon the second or third event. An elementary teacher may request removal of a student for one class period or one hour upon the first event and for two class periods or two hours upon the second or third event.

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

- Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom; the teacher must inform the student of the reasons they will be requesting a removal from class; and allow the student to informally present his/her version of the relevant events. The Building Principal or designee must be notified immediately, in writing, by the teacher of the reasons why a student's removal from the teacher's class is requested;
- The Building Principal or designee must inform the student's parent of the removal and the reasons therefor within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal.

- The Principal's or designee's determination on whether or not to support the teacher's request for removal of the student shall be made by the close of business on the day succeeding the request being presented to the principal. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

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

STUDENT SUSPENSION PROCESS:

The Board of Education, District Superintendent, Superintendent of Schools, the Building Principal and in his/her absence, an Acting Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate, disorderly or violent, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- Is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below:

A. Pre-suspension Process:

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short-Term Suspension Process:

Prior to a proposed suspension from school for between one and five days by a Building Principal or an Acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery. Such written notice shall include a description of the incident(s) resulting

in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent of a Principal's suspension must be presented to the Board of Education within 10 calendar days of the suspension and prior to filing any further appeal.

C. The Long-Term Suspension Process: Suspension for More than Five Days:

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

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

D. Hearing Procedures:

1. Notice of Hearing:

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

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

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

2. The Long-Term Suspension Hearing:

The Hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, Acting Building Principal; or the Superintendent. The Hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

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

- That the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- That the student has the privilege against self-incrimination, but that if the student does not testify, he/she shall be subject to cross-examination;
- That the District has the burden of proving the charges by a preponderance of the credible evidence;
- That a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- That the Hearing shall be private or open to the public, as determined by the student's representative.

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

The Hearing Officer shall inform the parties:

- That the case will proceed by having the District present its evidence through witnesses and other evidence first;

- That the District's witnesses shall be subject to cross-examination by the student's representative; and
- That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

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

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

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

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

3. Alternative Instruction:

Pursuant to the Education Law, no student of compulsory education age shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of

home instruction or instruction in an alternative setting. Such instruction shall be of a reasonably equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately, giving due regard for the nature and circumstances of each particular case.

In the event that a student within the compulsory education ages of six and the school year in which he/she becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

4. Appeals Process:

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education within 30 calendar days of receipt of the Superintendent's determination. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person or before the Board.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's voluntary participation in counseling or voluntary participation in special classes, such as those addressing anger management or dispute resolution.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education.

E. Off-Campus Misconduct:

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educative process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educative process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

A student may also be subject to discipline for cyberbullying that occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

F. Dress and Grooming:

Students are expected to dress and groom themselves in an appropriate manner. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and family and consumer science classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages the other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon actual or perceived race, color, creed, weight, religion, religious practice, ethnic group, national origin, gender, sexual orientation or disability;
- Any dress or appearance which constitutes a disruption to the educational process.

A dress code for employees is a mandatory subject of collective bargaining and, as such, may not be imposed upon employees who are members of unions

without negotiations. Nevertheless, employees are responsible to ensure that their dress is safe and appropriate, and does not disrupt or interfere with the educational process.

G. Computer and Internet Use:

The following prohibited use of District-owned technology resources (including but not limited to computer drives, network facilities, the Internet and Internet links) may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail or other electronic or digital communications or mobile communications (e.g., texts) created by a student or another individual at a student's request, which originates from the school premises or which is received at the school premises or school event or activity or which affects the operation of the school or a school event or activity which:

- Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
- Conveys a threat of violence, including sexual violence, to a specific individual or individuals or to the school district;
- Constitutes a state and/or federal crime;
- Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
- Attributes the text of e-mail or text message to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.

2. Technology/Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).

3. Technology and/or Internet use that is not school related or is unauthorized.

4. Permitting the use of a student's log-in credentials by any other person and such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's log-in credentials.

5. E-mails or other electronic, digital or mobile communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or

by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to or harasses or bullies a specific individual or individuals or to the school district may give rise to disciplinary action against such student. Local law enforcement agencies will be contacted in an appropriate case.

H. Suspension from Transportation Service:

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or the principal as the superintendent's designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Principal, the Principal shall make a recommendation to the Superintendent as to the action to be taken.

I. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions:

Extra-curricular and co-curricular activities, as well as, school functions (including dances, trips, and graduation) are privileges, not rights. A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to [§3214 of the Education Law](#), he/she shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as, any other school events or activities (including but not limited to dances, trips, and graduation) which take place on the days of suspension (including intervening weekends). In addition, a student's disciplinary record may have an impact on the student's participation in graduation ceremonies and other school-sponsored activities such as the 8th Grade Trip.

J. Discipline of Students with Disabilities:

A principal may suspend a student with an educational disability for a short-term (5 days or less) in the same manner as non-disabled students may be suspended. A principal's designation of an Interim Alternative Educational Setting must be made in consultation with the student's special education teacher.

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

If guilt is determined on a violation of a provision of the District’s Code of Conduct, before a penalty may be imposed, the following rules shall apply:

1. Section 504/Title II ADA Disability:

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

- If a nexus is found between the disability and the conduct, **no** additional discipline shall be imposed and the record of discipline imposed to date shall be expunged. The §504 Committee shall consider any appropriate evaluations and/or modifications to the student’s accommodation plan.
- If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed in the same manner as it would be for non-disabled students, upon remand to the [§3214](#) hearing officer. Any penalty imposed may not be based on past behavior for which a nexus determination was not made. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the §504 team.
- Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.
- The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504([34 CFR §104](#) *et. Seq.*) until the end of the school year in which the student reaches the age of 21.

2. IDEA Disability:

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

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

A student shall be presumed to have a disability if prior to the time the behavior occurred:

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

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

- The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
- The parent of the student has refused special education services; or
- It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or

- It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

3. Manifestation Determinations:

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the Committee on Special Education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team Meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

- When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:

a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or

b. The conduct in question was a direct result of the school district's failure to implement the IEP

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

When a Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a Functional Behavioral Assessment and implement a Behavior Intervention Plan in accordance with [8 NYCRR §201.3](#) and [201.4\(d\)\(2\)\(a\)](#).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian at the meeting. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of [§200.5\(a\)\(3\)](#) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

• Discipline of Students with Disabilities When the Manifestation Team has made an Affirmative “Manifestation Finding”

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

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

• Suspension for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting (“IAES”) for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

- a. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.” While a pocket knife with a blade of less than 2-1/2 inches in length is not a weapon for purposes of Commissioner’s Regulation §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.
- b. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used

under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

c. In accordance with law, the term “serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

a. If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and

b. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

• **Dangerous Students**

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

a. The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.

b. If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend Functional Behavioral Assessment and Behavior Intervention Plan, or review such pre-existing, plan for modification; and

c. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

• Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

• Pendency Placement

An IAES shall be deemed the student's "stay put" placement for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

- **Declassified Students**

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

K. Disciplinary Measures:

The following shall constitute appropriate disciplinary measures authorized by this student Code of Conduct:

1. Warnings (oral or written) and/or Notification to Parent
2. Detention
3. Removal from class
4. In-school suspension
5. Suspension from school for up to five (5) school days
6. Suspension from school in excess of five (5) days
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to 45 school days.
8. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to his/her disability.
9. Suspension from school and notification of police
10. Permanent suspension (Expulsion)

The following are other consequences that may be taken independently or concurrently with the above disciplinary measures:

1. Suspension from transportation
2. Suspension from athletics, extra-curricular activities and/or social activities
3. Suspension of other privileges

L. Infractions with Penalty References:

Schools may use one or more of the following, as appropriate:

NOTE: BEING MINDFUL OF THE AGE AND UNDERSTANDING OF ELEMENTARY AND MIDDLE SCHOOL STUDENTS AND NOTWITHSTANDING THE LEVELS OF DISCIPLINE SET FORTH IN THIS SECTION, BUILDING ADMINISTRATORS IN THE ELEMENTARY AND MIDDLE SCHOOLS SHALL HAVE THE DISCRETION TO IMPOSE ANY OF THE LESSER DISCIPLINARY MEASURES SET FORTH ABOVE.

All violations described below relate to actions in the school, on school property, or at a school-related function.

1. Disturbances which disrupt instruction and/or the school environment (including but not limited to intentionally causing alarm or risk to others, or instigating others to commit violations of this Code).
2. Interfering with or undermining a teacher's authority in class (including behavior substantial enough to have to be removed from class).
3. Abusive, vulgar, or obscene language and/or gestures (either verbal or written) directed at staff, students, visitors, or groups thereof.
4. Carelessly or willfully failing to follow school rules and staff directions.
5. Dress or grooming which is inappropriate as described in this Code.
6. Cutting or willfully avoiding any aspect of the school day, including detention.
7. Possession or dissemination of obscene materials, either physical or electronic.
8. Possession, dissemination, or use of tobacco, tobacco products, e-cigarettes and other nicotine delivery systems, or accessories such as lighters or matches) at any time on the campus or within 100 feet of an entrance.
9. Fighting between students where harm is caused to one or more of the participants.
10. Any violent or physically aggressive act or assault against another student or person.

11. Possession, dissemination, or use of a potentially dangerous, or deadly weapon or object.
12. Possession, distribution, sale, use, or being under the influence of:
 - a. Illegal, dangerous, counterfeit, or synthetic drugs (whether specifically illegal or not)
 - b. Unauthorized prescription medication
 - c. Alcohol
 - d. Dangerous or deadly substances, including but not limited to chemicals or inhalants
 - e. Any substance which the individual believes to be or represent any of the above
13. Possession, distribution, sale, or use of drug paraphernalia or fireworks.
14. Lighting or attempting to light a fire, whether or not damage results.
15. Theft or intentional destruction of personal or school property.
16. Extortion.
17. Activation of a false alarm, bomb threat, or other disaster alarms.
18. Forgery or fraud.
19. Harassment (any word, communication or action based in whole or in part upon actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, marital status, veteran status, appearance or other physical or emotional attribute).
20. Bullying, intimidation, or coercion (the act of threatening verbally, in writing, by electronic/digital/mobile communication or by gesture, the well-being, health, safety, freedom or property of any person).
21. Leaving a school building or campus without authorization.
22. The use of any electronic/digital device in a way that violates the district Responsible Use of Technology Agreement.

Notes:

- **The repeating of an infraction may lead to the imposition of the next measure of discipline.**
- **Chronic repeating of infractions may lead to long-term suspension or permanent suspension (expulsion).**
- **The above listing is not intended to be all-inclusive. The Administration reserves the right to implement disciplinary action for incidents not specifically identified above. Students who engage in behavior determined to be inappropriate and/or disruptive to the school environment will be subject to disciplinary consequences.**

PUBLIC CONDUCT ON SCHOOL PROPERTY:

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damages school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under control of the District and activities, whether or not conducted on school premises.

PROHIBITED CONDUCT:

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

- Willfully cause physical injury to any other person, or threaten to do so;
- 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, gender (including gender identity and gender expression), age, marital status, sexual orientation or disability;
- Physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain;

- Willfully damage or destroy property of the District or under its jurisdiction or the personal property of a district employee or any person lawfully on school property (including graffiti or arson), or remove or use such property without authorization;
- Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- Without authorization, remain in any building or facility after it is normally closed;
- Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, school programs or other school activities;
- Deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent of Schools or designee, whether or not a license to possess the same has been issued to such person;
- Drive recklessly, speed or fail to follow school crossing guard or traffic directions on school grounds, or park in unauthorized areas;
- Use or distribute any cigarettes, electronic cigarettes, tobacco or tobacco related products;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous or obstruct the rights of others;
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances (including synthetic drugs such as synthetic cannabinoids, whether specifically illegal or not) or be under the influence of any such items on school property or at a school function;

- Loiter on or about school property;
- Litter on school property;
- Spit or engage in other unhygienic behavior on school property or at a school function;
- Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance laws;
- Refuse to comply with the reasonable order or directive of identifiable school district officials performing their duties;
- Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; and/or
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

PENALTIES AND PROCEDURES:

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

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
- If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection and/or arrest.
- If a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by [§3214 of the Education Law](#) and the Student Code of Conduct
- If a faculty member, he/she shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the applicable collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in [§75 of the Civil Service Law](#), he/she shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and applicable collectively negotiated agreement, and be subject to ejection.

- If a staff member other than one described above, he/she shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

ENFORCEMENT PROGRAM:

The Superintendent of Schools and designees shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

1. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
2. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action hereinbefore provided.
3. The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

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

DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board of Education and Superintendent will work to ensure that the community is aware of this Code of Conduct by:

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

The Board of Education directs the Superintendent to review this Code of Conduct with input from stakeholder groups every year and update it as necessary. In conducting the review, the Committee will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

Date of Adoption: November 13, 2019

Pocantico Hills Central School District