

# **MOUNT PLEASANT CENTRAL SCHOOL DISTRICT CODE OF CONDUCT**

Our Code of Conduct illustrates the expectations of the Mount Pleasant community in terms of respect for all people, programs and facilities within the School District and is in accordance with the requirements of the New York State Education Department.

The Mount Pleasant Central School District requires that all members of our community, guests and organizations who enjoy the use of our facilities and programs fully comply with the Code of Conduct.

The Mount Pleasant Central School District thanks you for your cooperation and support.

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## CODE OF CONDUCT

### I. INTRODUCTION

The Board of Education of the Mt. Pleasant CSD #1("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, all 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, 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") pursuant to S.A.V.E. legislation.

Unless otherwise indicated, this Code applies to all students, District personnel, parents and other visitors when on school property or attending a school function. This Code of Conduct supersedes all other building codes of conduct.

### II. DEFINITIONS

For purposes of this Code, the following definitions apply:

- "Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- "Parent" means parent, guardian or person in parental relation to a student.
- "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- "School function" means any school-sponsored extra-curricular event or activity whether on or off school property.
- "Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to, any other gun, air gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, sling shot, metal knuckles knife, box cutter, can sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument material or substance that can cause physical injury or death.
- "Violent student" means a student under the age of 21 who:
  - Commits, or attempts to commit, an act of violence upon any school employee; or

- While on school property or at a school function, commits or attempts to commit an act of violence upon another student or any other person lawfully on school property or at the school function; or
- While on school property or at a school function, possesses a weapon; or
- While on school property or at a school function, displays, what appears to be a weapon; or
- While on school property or at a school function, threatens to use a weapon; or
- 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; or
- Knowingly and intentionally damages or destroys school District property.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

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

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all District students have the following rights:

1. The opportunity to take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. The right to be informed of the reason(s) for disciplinary actions being considered or implemented, depending upon the circumstances, and a right to present their account of the event(s) in question.
3. Receive a copy of school rules and, when requested, receive an explanation of those rules from designated school personnel. In addition, in accordance with 8 NYCRR 100.2, the Board shall provide programs for in-service education for all District staff members to ensure effective implementation of this Code.
4. An atmosphere conducive to learning.
5. An environment, which protects his/her welfare and safety.
6. A free, public education.
7. Freedom of expression provided such expression does not disrupt or interfere with education, discipline or the normal activities of the school.
8. To assemble peacefully.

#### Dignity for All Students

The Mt. Pleasant Central School District will ensure that every student can attend school free of harassment and discrimination.

## **B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
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.
12. Seek help for themselves or others in time of need.

## **IV. ESSENTIAL PARTNERS**

Maintaining a safe, orderly, and learning rich environment requires the cooperation of all school community members. Below you will find many of the roles that the Board of Education, Teachers, Superintendent, Parents, Non-teaching Staff, Administration, and Guidance Counselors are expected to focus upon that will ensure this type of environment. In addition, these essential partners should maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.

## **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Recognize, respect and comply with school District policies while on school property.
14. Be role models for all children.

## **B. Teachers**

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.

5. 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.

6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

7. Be role models for all children.

### **C. Guidance Counselors**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences as necessary, as a way to resolve problems.

3. Regularly review with students their educational progress and career plans.

4. Provide information to assist students with career planning.

5. Encourage students to benefit from the curriculum and extracurricular programs.

6. Be role models for all children

### **D. Administrators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

3. Evaluate on a regular basis all instructional programs.

4. Support the development of and student participation in appropriate extracurricular activities.

5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

6. Be role models for all children.

## **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain system of tracking violators of Code of Conduct and disciplinary actions taken.
7. Be role models for all children.

## **F. Board of Education**

1. Collaborate with students, teachers, administrators, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Be role models for all children.

## **G. Non-Teaching Staff**

1. Know school policies and rules, and enforce them in a fair and consistent manner.
2. Convey to students and parents a supportive attitude toward education and the District.
3. Lead by example by responding to students and parents in a professional, courteous and respectful manner.



## **V. STUDENT DRESS CODE**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Recognize that extremely brief garments such as shorts, skirts, tops, spaghetti straps, plunging necklines (front and/or back) and see-through or otherwise revealing garments are not appropriate;
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times;
5. Not include the wearing of hats in the classroom except for a medical or religious purpose;
6. Not include items that are vulgar, obscene, libelous or denigrate others;
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

## **VI. PROHIBITED STUDENT CONDUCT**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. In addition, students/parent(s)/guardian(s) should understand that passive participation by a student (choosing to remain present) at an illegal or forbidden act could result in disciplinary consequences for that student. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The 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 penalties for their conduct.

Students may be subject to corrective action and/or disciplinary consequences when they:

**A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the District's acceptable use policy.
8. Fighting or threatening behavior
9. Discharging a fire extinguisher or falsely setting off a fire alarm.
10. Disturbing any lawful assembly or meeting of persons.
11. Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
12. Defacing school property.
13. Violating cafeteria behavioral expectations.
14. Violating traffic regulations on school property.

**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, missing or leaving school without permission.
3. Skipping detention.
4. Lying to school personnel

**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. Engaging in any act which disrupts the normal operation of the school community.

**D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:**

1. Committing, or attempting to commit, an act of violence (i.e. hitting, kicking, punching and/or scratching) upon any school employee.
2. While on school property or at a school function, committing or attempting to commit an act of violence upon another student or any other person lawfully on school property or at the school function.
3. While on school property or at a school function, possessing a weapon.
4. While on school property or at a school function, displaying what appears to be a weapon.
5. While on school property or at a school function, threatening to use a weapon.
6. Knowingly and intentionally damaging or destroying the personal property of any school employee or any person lawfully on school property or at a school function
7. Knowingly and intentionally damaging or destroying school District property.

**E. Engage in any conduct that endangers the safety, morals, health and/or welfare of self and/or others.**

**Examples of such conduct include but are not limited to:**

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
11. 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."
12. Possessing and/or using drug paraphernalia.

13. Inappropriately using or sharing prescription and over-the-counter drugs or possessing prescription drugs without prior notification to the school nurse.
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 or other warning of fire, bomb and/or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Vandalizing, willfully damaging or destroying or attempting to cause damage to school or personal property, or willfully removing or using public or private property without authorization.
18. Selling, using or possessing weapons, fireworks or other dangerous instruments or contraband capable of inflicting physical injury, or causing damage to property. 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.
19. Extorting money, goods, or favors from any member of the school community.
20. Reckless driving.
21. Bullying, or systematically and intentionally inflicting physical hurt or psychological distress on one or more students or District employees.

- Bullying is further defined as:

Unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

- Bullying may involve, but is not limited to:

Unwanted teasing, threatening, intimidating, stalking, cyberstalking, cyberbullying, physical violence, theft, sexual religious, or racial harassment, public humiliation, destruction of school or personal property, social exclusion, including incitement and/or coercion, and rumor or spreading of falsehoods.

#### **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/or fighting will not be tolerated.

#### **G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:**

Plagiarism, Cheating, Copying, Altering records, and/or assisting another student in any of the above actions.

**H. Inciting or conspiring with another person to commit or attempt any of the acts enumerated above.**

## **VII. REPORTING VIOLATIONS**

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

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and/or referral to the local law enforcement agency for prosecution.

The building principal or his her designee must notify the appropriate local law enforcement agency of those Code violations that may 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 on the day the principal or his or her designee learns of the violation. (Examples include but are not limited to: causing a crime where the damages exceed \$250, committing an assault on any school community member, possessing a weapon, drug, and/or illegal substance). The notification shall be made by telephone, followed by a letter mailed no less than 24 hours after the principal or his or her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and may have constituted a crime.

## **VIII. DISCIPLINARY PROCEDURES**

### **Penalties and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

1. The student's age;
2. The nature of the offense and the circumstances which led to the offense;

3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents, teachers and/or others, as appropriate;
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation *may* merit a lighter penalty than subsequent violations; however, *depending upon the nature of the violation*, any one of the below penalties/actions may be implemented.

If the conduct of a student is related to a disability or suspected disability, discipline, if warranted, shall be administered consistent with the requirements set forth in Article X of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

### **A. Penalties**

Students who are found to have violated the District's Code of conduct may be subject to the following penalties, either alone or in combination.

1. Oral warning
2. Written warning
3. Written notification to parent
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social or extracurricular activities
8. Suspension of other privileges
9. In-school suspension
10. Removal from classroom by teacher
11. Short-term (five days or less) suspension from school
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school

### **B. Procedures**

In the case of a student charged with having violated the provisions of this Code of Conduct, the Principal of the school or his/her designee shall be authorized to determine whether a violation has occurred. Subsequently, any penalties authorized by law, including but not limited to a suspension for a period of up to five (5) school days, can be imposed by a Principal or his/her designee. In all cases, the student must be informed of the alleged misconduct and be given an opportunity to respond to the allegation(s). Furthermore, to the extent necessary, the facts surrounding the alleged misconduct will be investigated by the Principal or his/her designee.

In determining the guilt or innocence of a student, the Principal or his/her designee shall not consider any information other than the evidence relevant to the guilt or innocence of the student with regard to the conduct with which the student is being charged.

## **Specific Penalties or Actions**

### **1. Detention**

Teachers, principals and the superintendent may use detention as a penalty for the student's misconduct in situations where removal from the classroom or suspension would be inappropriate. Detentions may be assigned before or after school.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the driver is expected to bring such misconduct to the attention of the building principal or his/her designee. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent(s)/guardian(s) will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to the due process procedures set forth in Education Law §3214. However, the student and the student's parent(s)/guardian(s) will be provided with a reasonable opportunity for a conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

### **3. Suspension from athletic participation, extra curricular activities and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to the due process procedures set forth in Education Law §3214. However, the student and the student's parent(s)/guardian(s) will be provided with a reasonable opportunity for a conference with the District official imposing the suspension to discuss the conduct and the penalty involved. (See also, Board of Education policies 7415 and 3235.)

### **4. In-school suspension**

The board recognizes that school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students in "in-school suspension" as a result of a Code of Conduct violation. The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to to the due process procedures set forth in Education Law §3214. However, the student and the student's parent(s)/guardian(s) will be provided with a reasonable opportunity for a conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

## **5. Teacher disciplinary removal of disruptive students**

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

However, on occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is an elementary or secondary student under 21 years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two (2) days. The removal from class applies to the class of the removing teacher only. If the teacher determines that the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after this informal discussion may a teacher remove a student from class.

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

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 forms. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, verbally and in writing at the last known address for the parent(s)/guardian(s), 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, for an informal conference with the principal or the principal's designee to discuss the reasons for the removal. The written notice must be provided in a manner in which to assure receipt of the notice within 24 hours of the student's removal.



In the event the student's parent(s)/guardian(s) request an informal conference, the principal may require the teacher who ordered the removal to attend. The informal conference, if any, must be held within 48 hours of the student's removal. However, the timing of the informal conference may be extended by mutual agreement of the parent and principal. If at the informal conference the student denies the charge(s), the principal or the principal's designee must explain why the student was removed and give the student and the student's parent(s)/guardian(s) a chance to present the student's version of the relevant events.

The principal or the principal's designee shall not set aside the discipline imposed by the teacher unless the principal finds any one of the following:

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

Teachers may not remove a student with a disability from class without verifying with the principal or the chairperson of the CSE that the removal does not violate the student's rights under state or federal law, as such removal may, under certain circumstances, constitute a change in the student's placement.

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 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 and maintain a copy of a "removal form" for all cases of removal of students from his or her class. The principal must keep a copy of all removals of students from classes.

## **6. Suspension from school**

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal, his designee, or the superintendent. All recommendations and referrals shall be made in writing

unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

A student with a disability (or presumed to have a disability) may be suspended only in accordance with the provisions of State and Federal law and implementing Regulations. For the procedures governing the suspension of students with disabilities (or presumed to have a disability), please refer to Article X of this Code.

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

If a student is determined by the Principal or his/her designee to have engaged in the conduct alleged and the principal or his/her designee determines that a penalty of suspension from school is warranted, the student's parent(s) shall be so notified and shall be given the opportunity to attend an informal conference with the complaining witness(es), which, depending on the circumstances, may be the Principal or his/her designee, to discuss the misconduct and the proposed or imposed penalty.

Parents and students should be aware that in the event the District determines that a student's conduct poses a danger or ongoing threat of disruption to the educational process, the suspension may be imposed immediately and prior to notifying the student's parent(s) and/or holding the informal conference. If a student's conduct is determined by the District not to pose a danger or ongoing threat of disruption to the educational process, the student's parent(s) will be notified and given the opportunity for an informal conference to discuss the proposed disciplinary action prior to the imposition of such penalty. If a student is determined to be innocent of a disciplinary infraction, any reference to the alleged infraction or related proceedings shall be expunged from the student's school records.

In the event that the Principal determines that the violation warrants a penalty of a suspension for a period in excess of five (5) school days, the matter shall be referred to the Superintendent of Schools for a hearing pursuant to Section 3214 of the New York State Education Law. In such event, the parent(s)/guardian(s) will be notified in writing as to the time and place of the hearing. Such notice shall be provided within a reasonable period of time prior to the hearing and shall provide reasonable notice as to the disciplinary charges upon which the hearing is based.

**a. Short-term Suspension from School (5 days or less)**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five (5) 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. Parent(s)/guardian(s) should understand that, depending upon the nature of the conduct engaged in by his/her/their child, the suspending authority may suspend a student immediately. In cases where the District determines that the student does not pose a continuing danger to persons or property or an ongoing threat of disruption

to the academic process, prior to imposing a suspension, the suspending authority shall notify the student's parent(s)/guardian(s) in writing that the student *may* be suspended from school as well as the proposed duration of such proposed suspension, i.e. up to five (5) days. However, in the event the District determines that the student poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the suspending authority may suspend the student immediately, followed by notification to the student's parent(s)/guardian(s) in writing that the student *is* suspended from school as well as the duration of such suspension, i.e. up to five (5) days.

The written notice must be provided at the last known address for the parents 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 or impose the suspension, depending upon the nature of the conduct. 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 parent(s)/guardian(s).

The notice shall provide a description of the charges against the student and the incident(s) for which suspension is proposed or imposed, depending upon the nature of the conduct, and further, shall inform the parent(s)/guardian(s) of the right to request an informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parents. At the informal conference, should the student's parent(s)/guardian(s) choose to attend, the parent(s)/guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. Parents should be aware that, depending on the circumstances, the Principal or his/her designee may be the complaining witness.

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, in the discretion of the District, the student's presence does pose such 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. In those cases where suspension is being proposed (rather than immediately imposed), the principal shall advise the parent(s)/guardian(s) in writing of his or her decision promptly following the informal conference, should the student's parent(s)/guardian(s) choose to attend.

The principal shall advise the parents in writing 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 thirty (30) calendar days of the date of the letter, unless they can show extraordinary circumstances precluding them from doing so. Parents should understand that the Superintendent will review the record regarding the matter, but will not meet with the parent, the student and/or advocates/attorneys regarding the appeal. The record is defined as those documents and/or information used by the Principal or his/her designee in determining to suspend the student, i.e. no additional documentation and/or information will be considered on appeal. The superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal.

If the parents are not satisfied with the superintendent's decision, they may file a written appeal to the Board of Education with the District clerk within thirty (30) calendar days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. During the appeal process, parents shall not contact the Superintendent or Board of Education members regarding the matter. Parents should understand that the Board of Education will review the record regarding the matter, but will not meet with the parent, the student and/or advocates/attorneys regarding the appeal. The Board will consider the appeal in executive session.

If the parent(s)/guardian(s) are not satisfied with the decision of the Board of Education, an appeal may be made to the New York State Commissioner of Education. Such appeal must be made in writing and submitted to the Commissioner no later than thirty (30) calendar days of the date of the Board's decision. Only final determinations of the Board may be appealed to the Commissioner of Education.

**b. Long-term Suspension from School (more than five (5) days)– Superintendent's Hearings:**

When the superintendent or building principal determines that a suspension for more than five (5) days may be warranted, the student's parent(s)/guardian(s) shall be notified in writing that the matter has been referred to the Superintendent of Schools for purposes of scheduling a Superintendent's Hearing. Thereafter, the Superintendent shall give reasonable written notice to the student and the student's parent(s)/guardian(s) of their right to a hearing pursuant to Education Law Section 3214 as well as the date and time scheduled for such hearing. Such notice shall also include the charge(s) being brought against the student as well as the student's right at the hearing to be represented by counsel, the right to question witnesses against him/her and the right to introduce other evidence on his or her behalf, including the right to present his or her own witnesses or to testify him or herself, as well as notice that the student's prior disciplinary record will be considered in the context of determining the appropriate penalty, if any, and that the student/parent(s)/guardian(s) have the right to review said disciplinary record prior to the hearing. In no event shall such notice be provided less than twenty four (24) hours prior to the hearing.

The superintendent may 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, if any, to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any apart thereof. The superintendent shall provide the parent(s)/guardian(s) with his/her written decision following receipt of the hearing officer's report.

**Appeal of Superintendent's Decision**

If the student and/or parent(s)/guardian(s) disagree(s) with the decision of the Superintendent, he/she (they) have the right to appeal the decision to the Board of

Education. Such appeal must be in writing and should include the reason(s) why he/she (they) believe the appeal should be granted. The appeal must be submitted within thirty (30) calendar days of the date of the Superintendent's decision to:

President, Board of Education  
c/o District Clerk  
Mount Pleasant Central School District  
825 West Lake Drive  
Thornwood, New York 10594

The Board of Education will conduct a thorough review of the record to include:

- The transcript (recording) of the Superintendent's Hearing;
- The report and recommendations of the Superintendent or designated hearing officer and all exhibits submitted at the hearing;
- The written request for appeal.

\* Note: The record does not include any other information and/or documentation which was not introduced as evidence at the hearing or used in determining whether to suspend the student.

Parents/guardians requesting a Board of Education appeal of the Superintendent's decision shall be provided with a written transcript or audio copy, whichever is available, of the Superintendent's Hearing upon request. If so requested, the written transcript or audio copy of the hearing will be provided upon payment of a fee to the District for copying.

Subsequent to a request for appeal to the Board, parent(s)/guardian(s) will be provided with a written response from the District Clerk advising parent(s)/guardian(s) of the date that the Board of Education will conduct the appeal in executive session. During the appeal process, parents shall not contact the Superintendent or Board of Education members regarding the matter.

If the student and/or parent(s)/guardian(s) disagree with the final written decision of the Board of Education, an appeal may be made to the Commissioner of Education. Such appeal must be made in writing and submitted to the Commissioner within thirty (30) calendar days of the date of the Board of Education's decision. Only final decisions of the Board may be appealed to the Commissioner of Education

### **C. Minimum Periods of Suspension**

#### **1. Students who bring a weapon to school**

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will be afforded those due process rights set forth above in Section B of this Article... However, the Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age;
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;
6. Other extenuating circumstances.

## 2. Students who commit violent acts other than bringing a weapon to school

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. 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.

If the imposed penalty is the minimum five (5) day suspension, the student shall be afforded those due process rights, as set forth above in Section B(a) of this Article. If the proposed penalty exceeds the minimum five (5) day suspension, the student shall be afforded those due process rights, set forth above in Section B(a) and (b) of this Article.

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

Any student 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 (5) days. For purposes of this Code, a student who "repeatedly is disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" is one who engages in conduct that results in the removal of the student from the classroom by a teacher on four (4) or more occasions during a semester. 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.

If the proposed penalty is the minimum five-day suspension, the student shall be afforded those due process rights, set forth above in Section B(a) of this Article. If the proposed penalty exceeds the minimum five-day suspension, the student shall be afforded those due process rights, set forth above in Section B(a) and (b) of this Article.

## **D. Referrals**

### 1. Counseling

The Guidance or support services office shall handle all referrals of students to counseling.

### 2. PINS Petitions

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

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

### 3. Juvenile Delinquents and Juvenile Offenders

The Superintendent shall refer any pupil under sixteen (16) years of age who has been determined to have brought a weapon to school, as “weapon” is defined in 18 U.S.C.A. 930 (g)(2), to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act, except a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under Criminal Procedure Law §1.20(42).

The Superintendent shall refer any pupil sixteen (16) years of age or older, or a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under Criminal Procedure Law §1.20(42), who has been determined to have brought a weapon to school, as “weapon” is defined in 18 U.S.C.A. 930 (g)(2), to the appropriate law enforcement officials.

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District shall take prompt steps to provide alternative means of instruction for the student. However, once a student is no longer of compulsory age, it shall be at the District’s discretion whether to provide such alternative education to the student.

## **X. 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.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

A principal may suspend a student identified as having a disability or is presumed to have a disability, as defined in Part 200 of the Rules and Regulations of the New York State Commissioner of Education, for a short-term (5 school days or less) in the same manner as he/she may suspend non-disabled students (see Article VIII (B) of this Code for the procedures related to short-term suspensions) In addition, the Superintendent may order the placement of a student with a disability into an Interim Alternate Educational Setting (“IAES”), which setting may include home instruction,

for up to ten (10) days, inclusive of any period in which the student has been suspended or removed by the Principal for the same behavior, if the Superintendent determines in accordance with the procedures set forth in Education Law Section 3214, 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.

A student identified as having a disability or is presumed to have a disability, as defined in Part 200 of the Rules and Regulations of the New York State Commissioner of Education, and/or a student identified as having a physical or mental impairment which substantially limits one or more major life activities pursuant to §504 of the Rehabilitation Act of 1973 (“504”) or American with Disabilities Act (“ADA”), who is suspended for a period in excess of five school (5) days is entitled to a hearing in accordance with Education law §3214 (See Article VIII (B) of this Code for the procedures related to long-term suspensions) .

If there is no basis of knowledge that the student is a student with a disability prior to the occurrence of the conduct warranting disciplinary action, such student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made after the occurrence of the conduct warranting discipline but while such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal state law and regulation. Until the expedited evaluation is completed, the nondisabled student, who is **not** presumed to have a disability for disciplinary purposes, shall remain in the educational placement determined by the District, which can include suspension.

In addition to those procedures outlined in Article VIII (B) for student suspensions, the following rules shall apply before any disciplinary penalty in excess of a five (5) day suspension may be imposed for a student with a disability or who is presumed to have a disability:

### **§504/ADA Disability**

For a student with a disability under §504 or the ADA, the §504 Multi-disciplinary Team must make a determination regarding whether the conduct underlying the disciplinary charges was related to the student’s disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged, except in cases where the student has been found guilty of possession of a weapon and/or serious bodily injury. In such cases, the student may be placed in an IAES for a period of up to forty-five (45) days, as more fully set forth below in “Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury.”
2. If no nexus is found, discipline may be imposed upon remand to the Superintendent or designated hearing officer pursuant to Education law §3214.



## Individuals with Disabilities Education Act (IDEA Disability)

Before any change in placement, i.e. suspension in excess of ten (10) days, may be made for students classified as having a disability or presumed to have a disability, as defined in Part 200 of the Rules and Regulations of the Commissioner of Education, a Manifestation team, composed of members of the District's Committee of Special Education ("CSE") must make a determination as to whether the conduct underlying the disciplinary charges was a manifestation of the student's disability (or presumed disability).

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement if they cumulate to more than ten (10) school days in a school year. That determination will be made on a case-by-case basis in accordance with applicable laws. Among the factors to be considered in making this determination is the length of each suspension, whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, the proximity of the suspensions to one another and the total amount of time the student has been excluded from school.

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

1. The parent(s)/guardian(s) of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student pursuant to 8 NYCRR 200.4 or 200.16; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student directly to the director of special education of the school district or to other supervisory personnel of the school district..

A student shall **not** be presumed to have a disability for discipline purposes if, as a result of receiving the information set forth in paragraphs (1)-(3) above:

1. The parent(s)/guardian(s) of the student has not allowed an evaluation of the student by the Committee on Special Education ("CSE") pursuant to 8 NYCRR 200.4 or 200.16; or
2. The parent(s)/guardian(s) of the student refused all special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not eligible as a student with a disability in accordance with 8 NYCRR 200.4 or 200.16.

If it is claimed by the parent(s)/guardian(s) of the student or by District personnel that the District had a basis of knowledge, in accordance with the above paragraphs, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools to determine whether the student is a student presumed to have a disability.

## **Manifestation Determinations and Determinations made by the §504 Multi-disciplinary Team:**

A Manifestation Team shall include a representative of the school District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school District. The §504 Multi-disciplinary Team shall consist of a representative of the school District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members of the Multi-disciplinary Team, as determined by the parent and §504 Multi-disciplinary Team. The parent must receive written notification within a reasonable time prior to any Manifestation Team or Multi-disciplinary Team meeting to ensure that the parent has an opportunity to attend.

The notification shall inform the parents(s) of the purpose of the meeting, the names of the individuals expected to attend, and shall inform the parent(s) their right to have relevant members of the CSE or §504 Multi-disciplinary Team, whichever is applicable, participate at the parent's request.

1. When making a determination, the Manifestation Team or §504 Multi-disciplinary Team, whichever is applicable, shall review all relevant information in the student's file including the student's Individualized Education Plan (IEP) or §504 Accommodation Plan, 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 or §504 Accommodation Plan.

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

When the Manifestation Team or §504 Multi-disciplinary Team, whichever is applicable, determines that the conduct in question was a manifestation of a student's disability, the CSE or §504 Multi-disciplinary Team shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.4(d)(2)(a).

If the CSE meets to consider a change in placement in conjunction with the manifestation determination, prior written notice of such meeting must be provided to the parent(s) in a reasonable time before the meeting.

### **Discipline of Students with Disabilities when the Manifestation Team has made an Affirmative "Manifestation Finding"**

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

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice; or

2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained; or
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

### **Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student with a disability or student suspected of having a disability may be suspended and placed in an Interim Alternative Educational Setting (“IAES”), which may include home instruction, for up to forty-five (45) school days (less if the discipline 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.

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

2. In accordance with law, the term “illegal drugs” means controlled substances and cannabis but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal Law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

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

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team or §504 Multi-disciplinary Team must conduct a meeting to determine whether such conduct is related to the student’s disability 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 or §504 Multi-disciplinary Team determination that the misconduct is not related to the student’s disability.

1. If the student is or may be placed in an IAES, the CSE or §504 Multi-disciplinary Team shall as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and

2. The 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.

## **B. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by 8 NYCRR 201.1 of the Commissioners Regulations, if:

- a. The District request 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;
- b. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES 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;
- c. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability; or
- d. The parent requests such a hearing relating to any decision regarding placement, including but not limited to any decision to place the students in an IAES.

2. The District shall arrange the expedited due process hearing according to the following time period, unless the parent and District agree in writing to waive the resolution meeting or agree to use mediation:

- (i) a resolution meeting shall occur within seven (7) days of receiving notice of the due process complaint;
- (ii) the expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of receipt of the due process complaint;
- (iv) the impartial hearing officer shall make a determination within ten (10) school days after the hearing.

- a. No extension to an expedited impartial hearing timeline may be granted.
- b. The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, to the Board of Education and to the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) of the New York State Education Department within ten (10) school days after the hearing has been concluded.

3. 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 ground 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.

### **C. 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 superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **XI. CORPORAL PUNISHMENT**

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

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

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

In all cases, it should be noted that the employee would be expected to use the minimum amount of force necessary.

In accordance with applicable law, the District shall submit a written semiannual report to the Commissioner of Education that reports each complaint about the use of corporal punishment received by the local school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

### **XII. SEXUAL HARASSMENT (See Board Policy No. 7551)**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;

b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and

c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include, but are not limited to:

- Unwanted sexual advances
- Subtle or overt pressure for sexual favors
- Sexual jokes
- Innuendoes
- Advances or propositions
- Verbal abuse of a sexual nature
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Leering, whistling, touching, pinching, assault, coerced sex acts or suggestive, insulting, or obscene comments or gestures
- Display on school property of sexually suggestive objects or pictures
- Wearing sexually suggestive garments
- Other physical, verbal, or visual conduct of a sexual nature.

In determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District.

Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate at a minimum, two (2) Complaint Officers, one (1) of each gender.

The District will take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated Complaint Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event the Complaint Officer is the alleged offender, the complaints shall be referred to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

The School District encourages individuals who believe they are being harassed to promptly notify the offender that his/her behavior is unwelcome (recommended but not required).

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

### **XIII. SMOKING (Board Policy No. 5640)**

Each school of the Mount Pleasant Central School District is a non-smoking campus. Pursuant to federal and New York State law, any use of tobacco is forbidden and *no* person, including visitors, shall smoke on school grounds (i.e., any school facility, building, structure, and surrounding outside grounds within the school's property), at school-sponsored activities and field trips, on school buses or other vehicles transporting children.

### **XIV. 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.

School officials questioning students shall advise such student why he/she is being questioned. However, parents and students should be aware that school officials are under no obligation to

contact a student's parent(s)/guardian(s) prior to questioning the student, nor are students entitled to any sort of "Miranda"-type warning before being questioned by school officials, as such rights only apply to situations where an individual is being questioned while in the custody of the police.

In addition, the board authorizes the superintendent, building principals or their designees, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has a legitimate reason for the search.

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

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

#### **A. Student Lockers, Desks and other School Storage Places**

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/or 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 of scope of search.
6. Person conducting the search and his or her title and position.
7. Witnesses, if any, of the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or 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 are 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 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 building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall be conducted only under exigent circumstances. 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.

### **C. 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.

The building principal or his/her designee may consent to allow such an interview on school premises. All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall state 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 or remove his or her clothing in front of a child protective services worker or school District official of the opposite sex.

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

#### **XV. VISITORS TO THE SCHOOLS (See Board Policy Nos. 3210, 3410)**

The board encourages parents and other District citizens to visit the Districts' schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to 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 school grounds. The visitor must return the identification badge to the principal's office before leaving.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. Visitors need to be role models while visiting the school District.

#### **XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY (See Board Policy No. 3410)**

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.

### **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 discriminates against any person regardless of actual or perceived basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Leave District premises littered with garbage.

### **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 written 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 4 and 5. They shall be subject to warning reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. Future authorized use of facilities will be revoked or suspended based on the severity of the incident.

### **C. Enforcement**

The building principal(s) or their designees shall be responsible for enforcing the conduct required by this Code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XVII. MISUSE OF ELECTRONIC MEDIA**

Students in the Mount Pleasant Central School District are now able to receive vast amounts of information through our computer networks and the Internet. The Internet represents a massive set of computer databases and networks around the world, which are made available to our students in all schools. Contact can be made with students in other schools within the District, to students in other Districts, in other cities, and in other countries around the world. Massive amounts of information are available in text, photographs, and sound from local agencies and governments, to universities, people, and businesses in every corner of the globe.

Parents set appropriate guidelines for the use of such technology within the home. The school District must also set guidelines for technology use within the schools to assure the proper use of materials on the Internet, to prevent inappropriate materials from being used in the school setting, and to ensure that all laws appropriate to such information be followed.

With the world now “at the fingertips” of our students, it is most important that the information, programs, and telecommunications made possible by technology, be used in a constructive,

educational, safe, and legal manner. Students must know that with power comes responsibility. Students are required to follow the Acceptable Use Policy No. 7315.

It should be recognized that not all materials found on the Internet be appropriate for students and the District will make attempts to prevent such material from being accessed on its computers. While such material may be a small amount of the information available on the Internet, it does exist.

While we believe our students will use our technology in a responsible manner, for those who do not do so, consequences will follow. Those consequences can range from the suspension of the use of the Internet and/or network, and/or computers within the school District, to a Superintendent's hearing. Police will be notified if an electronic media crime has taken place.

**Photography:** Taking photographs on school grounds using a video camera, digital camera, cell phone, or any other photographic device without the consent of the faculty/staff and the subject is prohibited.

## **XVIII. USE OF ELECTRONIC DEVICES**

**Cell Phone Use:** While on school District property, students must restrict their cell phone use, including but not limited to text messaging, to the hours before and after school unless otherwise authorized by a teacher and/or administrator for instructional purposes.

**I-Pods and other Music Devices:** The use of these items by students will be subject to the discretion of school administration.

## **XIX. 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 summary of the Code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year.
3. Mailing a summary of the Code of conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code of conduct and a copy of any amendments to the Code as soon as practicable after adoptions.
5. Providing all new employees with a copy of the current Code of conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.
7. Posting the Code on the District's website.

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.

The board of education 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 the 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 no later than 30 days after adoption.

***Approved by the Board of Education: 3/16/11***