

**2009-10 Schuylerville Central School District Code of Conduct
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I. Introduction

The Board of Education of the Schuylerville Central School District, believes that the behavior of students attending SCS as well as community members visiting school or attending a school function should reflect acceptable standards of responsibility and the degree of good citizenship demanded of members of a democratic society. The Board of Education's objective is to provide all students with an equal opportunity to grow intellectually, socially, emotionally and physically. Parents, students and school personnel must work together to ensure the maintenance of the proper atmosphere to achieve 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 our core principles of respect, integrity, responsibility, citizenship, compassion, resilience, tolerance, commitment and accomplishment.

The Board of Education 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 of Education adopts this Code of Conduct.

II. Definitions

School Property means in or within any of our buildings, structures, athletic playing fields, playgrounds, parking lots 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; or at a school function. School property, for purposes of this code shall also include all property owned or leased by the District, and all property used by the District to conduct its programs, activities or school functions.

Ref.: Educ. L. §2801(1)

School Function means any school-sponsored extra-curricular event or activity whether on school property or elsewhere; and includes transportation to and from school, or from athletic or other extracurricular events and programs. Ref.: Educ. L. §2801(1)

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

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

- Commits or attempts to commit an act of violence upon a school employee
- Commits or attempts to commit, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function
- Possesses, while on school property or at a school function, a weapon
- Displays, while on school property or at a school function, what appears to be a weapon
- Threatens, while on school property or at a school function, to use a weapon
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function
- Knowingly and intentionally damages or destroys school district property

Weapons Possession Only: means possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

Weapons mean a firearm, including, but not limited to,

- A rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun
- A switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife
- A billy club, blackjack, bludgeon, chukka stick, or metal knuckles~A sandbag or sand club
- A sling shot or slung shot

- A martial arts instrument, including, but not limited to, a kung fu star, ninja star, ninchuck, or shiriken
- An explosive, including, but not limited to, a firecracker or other fireworks
- A deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray
- An imitation gun
- Loaded or blank cartridges or other ammunition; or
- Any other deadly or dangerous instrument

III. Student Rights and Responsibilities

The primary goal of public education is to give students equal opportunities to become worthwhile contributing members of society. Included in this goal are:

- To educate students to know their rights of citizenship granted by the Constitution of the United States and by the State of New York
- To live within the rules and limits of society
- To develop good habits of self discipline

Student Rights: In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

- Take part in all district activities on an equal basis, regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- Freedom of expression:
 - Students are entitled to express their opinions verbally. The expression of such opinions, however, should not interfere with the freedom of others to express themselves or to impede the educational process. The use of obscenities and personal attacks is prohibited.
 - All student meetings in the school buildings or on school grounds must function only as part of the formal educational process or as authorized by the school principal.
 - Students are entitled to express, in writing, their personal opinions. Such written opinions must be signed by the author(s). Libel, racism, sexism, obscenity and personal attacks are prohibited in all publications.
 - Student participation and opinions are encouraged through the publication of student newspapers, yearbooks and literary magazines.
 - These publications have qualified faculty advisors.
- Privacy: It is the responsibility of the school to protect a student's privacy. The school will not disclose any information from the student's permanent records except when such disclosures are authorized by a parent, guardian, or when directed by legal authorities. They will contact their parents in the event that they find themselves subject to school discipline or for other valid reasons subject to administrative approval.

It shall be the responsibility of students to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct
- Attend school every day unless they are legally excused and be in class, on time, and prepared to learn
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner
- Work to the develop mechanisms to control their anger
- Ask questions when they do not understand
- Accept responsibility for their actions
- Seek help in solving problems that might lead to discipline
- Dress appropriately for school functions
- 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
- To secure all personal belongings. The school district will not be held responsible for the loss and/or theft of any personal property, including, but not limited to, electronic devices
- All students are expected to promptly report violations of the District's Code of Conduct to a teacher, school personnel, building principal or his or her designee.

IV. Essential Community Partners

Guardians: to achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, parents/guardians are encouraged to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community
- Promote prompt and regular school attendance and make certain that all absences and tardiness are properly excused in writing or by phone
- Promote in their child a desire to learn and encourage good study habits
- Help their child to give proper attention to health, safety, personal cleanliness, acceptable dress and grooming in a manner consistent with the student dress code
- Support their child's participation in school activities
- Convey to their child a supportive attitude toward education and the district
- Know and understand the rules their child is expected to observe at school, be aware of the consequences for any violation of these rules and accept legal responsibility for their child's actions
- Recognize that school personnel deserve the same consideration and respect that parents expect from their child in order to build good relationships

- Help their child deal effectively with peer pressure
- Inform school officials of changes in the home situation that may affect student conduct or performance
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
- Obey school rules and procedures when visiting school or attending school functions

Teachers and Support Personnel in recognition of their charge in educating children, it shall be the responsibility of the teacher's and support personnel to:

- Reflect a personal enthusiasm for teaching, learning, and a genuine concern for each
 - student and colleague
- Maintain a climate of mutual respect and dignity, which will strengthen students' self- concept and promote confidence to learn
- Know school policies and rules and enforce them in a fair and consistent manner
- Enable students to discuss their problems by listening, remaining open-minded, consulting and acting on student recommendations in the decision-making process
- Establish and maintain positive, effective and consistent classroom management techniques that result in involving and motivating students
- Demonstrate, by work and personal example, respectful, responsible and caring behaviors
- Refer to a parent, counselor or administrator any student whose behavior requires special attention
- Be prepared to carry out their professional responsibilities
- Communicate to students and parents:
 - Class objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan
- Communicate regularly with students, parents and other teachers concerning growth and achievement
- Assist students in coping with peer pressure and emerging personal, social and emotional problems
- Encourage students to benefit from the curriculum and extracurricular programs
- Initiate and participate in teacher/student counselor conferences and parent/teacher/student counselor conferences, as necessary

Guidance Counselors and School Psychologists as members of the student service team charged with promoting the academic, social and emotional needs of a student, counselors and psychologists will:

- Assist students in coping with peer pressure and emerging personal, social and emotional concerns

- Initiate teacher/student/counselor-psychologist conferences and parents/teacher/student/counselor- psychologist conferences, as necessary, as a way to resolve problems
- Regularly review with students their educational progress and career plans
- Provide information to assist students with career planning
- Encourage students to benefit from the curriculum and extracurricular programs
- Be aware of current educational practices, laws and responsibilities they need to follow as they relate to Committee on Special Education (CSE)
- Willingly promote and support teachers that refer students to the Instructional Support Team (IST) and effectively track and define interventions as appropriate

Building Administrators as the schools' educational leaders who set the educational climate, principals are responsible to:

- Promote a sound and healthy atmosphere of mutual trust and respect within their schools
- Promote a safe, orderly and stimulating school environment, supporting active teaching
- Evaluate the staff and program of instruction to achieve a meaningful educational program.
- Assist the staff in evaluating their own procedures in relation to the interactions within their classrooms
- Attend to referrals of students
- Promote communication with students, staff and parents
- Maintain a wholesome relationship between home and school
- Ensure fairness, reasonableness and consistency in all decisions affecting students, parents and staff
- Utilize all appropriate auxiliary staff and outside agencies when necessary
- Coordinate pupil personnel staff and/or other agencies and services on behalf of the student.
- Assume responsibility for the dissemination and enforcement of the District's Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Comply with pertinent state laws governing hearings, suspension and student's rights
- Assist in developing in-service programs for staff members
- Ensure that students and staff have the opportunity to communicate regularly with the principal
- Support the development of and student participation in appropriate extracurricular activities

Superintendent as the Chief executive officer, the Superintendent has the responsibility to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Encourage and provide for the development of innovative, educational programs

- Review with the administrators the policies of the Board of Education and state and federal laws relating to school operations, management and discipline
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly

Board of Education a primary task of the Board of Education is to establish district policy. It shall be the responsibility of the Board of Education to:

- Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- 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.
- Employ and retain high quality, qualified personnel
- Support high quality in-service programs for all school employees
- Lead by example by conducting Board of Education meetings in a professional, respectful and courteous manner

V. Student Dress Code and or Grooming

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 provided such dress and grooming does not disrupt the educational process of the school or endanger the health or safety of the individual student or others. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails shall:

- Be safe and appropriate and not disrupt or interfere with the educational process
- Include footwear at all times. Footwear that is a safety hazard will not be allowed
- Recognize that brief garments such as, but not limited to, tube tops, short shirts/shorts, net tops, halter tops, plunging necklines (front and/or back) and see-through garments are not appropriate
- Not include wearing garments, jewelry or other forms of symbolism associated with gangs or gang membership
- Not include items that are vulgar, obscene and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities

- Not cause injury to themselves or others
- Each building principal 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. Parents shall be notified when their child refuses to do so. The student 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, other members of the school community and for the care of school facilities and equipment.

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

The Board of Education 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 disciplinary action, up to and including suspension from school, when they engage in conduct that is disorderly or not conducive to a learning environment includes, but is not limited to:

- Overt displays of affection.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- 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.

Engage in computer/electronics communications misuse which includes but is not limited to:

- The use of an electronic device during the school day must not interfere with the educational day. Cell phones, while not prohibited, should be “off and away” unless otherwise approved for use by administration.
- Any unauthorized use of computer software or internet/intranet account, accessing inappropriate websites, sharing of passwords, downloading of non-educational material, altering and/or tampering with the computer system and/or computer setting or any other violation of the district’s acceptable use policy.
- Use of the internet, telephones, cell phones or other technological means to threaten, harass or denigrate other students or school personnel is prohibited.

Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but is not limited to:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
- Demonstrating disrespect towards school personnel.

Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

- Selling, using or possessing obscene material
- Using vulgar or abusive language, cursing or swearing
- Smoking or possessing a cigarette, cigar, pipe and/or possessing or using chewing/smokeless tobacco
- A student alone or being in the company of student(s) 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, 1’CP, amphetamines, heroin, steroids, look-alike drugs, a prescription drug that has been prescribed for someone other than the user and any substances commonly referred to as “designer drugs”
- Inappropriately using or sharing over-the-counter drugs
- Gambling
- Indecent exposure; that is; exposure to sight of the private parts of the body in a lewd or indecent manner
- Falsification of official school document
- Falsification of parent notes and excuses
- Hazing (as referred to in accordance with Board Policy 7553)

Engage in any form of academic misconduct. Examples of academic misconduct include:

- Plagiarism
- Cheating
- Copying
- Altering records
- Assisting another student in any of the above actions

- Skipping detention
- Lying to school personnel

Violent and Disruptive Incident Reporting (VADIR-07)

School districts, boards of cooperative educational services and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the school year, in accordance with Education Law section 2802 and this subdivision.

Incident Categories:

- **Homicide:** Any conduct that results in the death of another person.

Sexual Offenses:

- **Forcible Sexual Offenses:** Forcible Sexual Offenses of any kind where the use of compulsion, force, expressed or implied threats are made which places a person in fear
- **Other Sexual Offenses:** Other sexual offenses involving inappropriate sexual contact even though no force, threat or compulsion is used. Other sexual offenses includes, but is not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age.

Inappropriate sexual contact but no forcible compulsion includes, but is not limited to:

- Touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc.
- Removing a student's clothing to reveal underwear or private body parts
- Brushing or rubbing against another person in a sexual or provocative manner,
- A student first rubbing their own genitalia and then touching another person's body
- **Robbery:** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon
- **Assault with Serious Physical Injury:** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district Code of Conduct. Pursuant to Penal Law § 10.00 (10), "serious physical injury" means physical injury, which creates a substantial risk of death, serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement

- Arson: Deliberately starting a fire with intent to damage or destroy property by using matches, lighters or other devices capable of producing sufficient heat (i.e., magnifying glass) to ignite other combustible items, including, but are not limited to, paper, linens, clothing, and aerosol cans. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist
- Kidnapping: To abduct, as defined in section 135,00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with or without a weapon
- Assault with Physical Injury: Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district Code of Conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches and swelling. Substantial pain includes, but is not limited to, severe headaches, joint or muscle pain
- Reckless Endangerment: Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:
 - Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement
 - Incidents involving a person choking another individual including, but not limited to, incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim
 - Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury
 - Driving a car erratically and recklessly in a school parking lot while other student(s), staff or individuals are present
 - Minor Altercations: Involving physical contact and no physical injury
 - Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category
 - Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact
 - Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving

- race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process
- Burglary: Entering or remaining unlawfully on school property with intent to commit a crime
 - Criminal Mischief: Intentional or reckless damaging of the property of the school or of another person including, but not limited to, vandalism and the defacing of property with graffiti
 - Larceny or Other Theft Offenses: Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another
 - Bomb Threat: A telephoned, written or electronic message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property
 - False Alarm: Falsely activating a fire alarm or other disaster alarm
 - Riot: Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby, intentionally or recklessly, causing or creating a grave risk of physical injury or substantial property damage or causing public alarm
 - Weapons Possession Only: Possession of one or more of the weapons listed on page 3 and 4 of this Code of Conduct, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials, Possession includes bringing a weapon to or possessing a weapon at school
 - Use, Possession, or Sale of Drugs Only: Illegally using or possessing a controlled substance, such as marijuana, on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance, such as marijuana, on school property; finding a controlled substance, such as marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property
 - Use, Possession, or Sale of Alcohol Only: Using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property

Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

- Selling, using or possessing obscene material
- Using vulgar or abusive language, cursing or swearing
- Smoking or possessing a cigarette, cigar, pipe and/or possessing or using chewing/smokeless tobacco
- A student alone or being in the company of student(s) 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, 1’CP, amphetamines, heroin, steroids, look-alike drugs, a prescription drug that has been prescribed for someone other than the user and any substances commonly referred to as “designer drugs.”

- Inappropriately using or sharing over-the-counter drugs
- Gambling
- Indecent exposure; that is; exposure to sight of the private parts of the body in a lewd or indecent manner
- Falsification of official school document
- Falsification of parent notes and excuses
- Hazing (as referred to in accordance with Board Policy 7553)

Engage in any form of academic misconduct. Examples of academic misconduct include:

- Plagiarism
- Cheating
- Copying
- Altering records
- Assisting another student in any of the above actions

Hazing Policy (in accordance with Board Policy 7553):

Joining groups is a basic human need. Forming a sense of identity and belonging is a major developmental task for students. In any group activity, building a spirit of team camaraderie should be an important goal. This policy is to ensure and maintain a safe learning environment for students that are free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times. “Hazing” means committing an act against a student or group of students, coercing a student into committing an act that creates a risk of harm to a person in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.

The term hazing includes, but is not limited to:

- Any humiliating or dangerous activity expected of a student to join a group, regardless of the student’s willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student)
- Any hurtful, aggressive, destructive or disruptive behavior such as, but not limited to, striking, stripping, sleep deprivation, confinement in a restricted area, calisthenics or other activity that subjects the student to a risk of harm or that adversely affects the mental or physical health or safety of the student
- Any use or abuse of tobacco, alcohol, drugs or other substances that subjects the student to a risk of harm or that adversely affects the mental or physical health or safety of that student

- Any activity that intimidates or threatens the student with ostracism; subjects a student to mental stress, embarrassment, shame or humiliation; or adversely affects the mental health or dignity of the student or group of students
- Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies and regulations

Student Organization means a group, club or organization having students as the primary members or participants. It includes grade levels, classes, team activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, coach or any school employee who retaliates against a person who makes a good faith report of alleged hazing or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Dissemination of Policy this policy will be published in the District's Code of Conduct, included in the annual school calendar, distributed to all employees and posted in locker rooms and gymnasiums. The policy will be reviewed by the athletic director, along with coaches, at a pre-season meetings held in the fall, winter and spring.

VII. Reporting Violations

All students are expected to promptly report violations of the Districts Code of Conduct to a teacher, school personnel, 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 or the building principal, the principal's designee, superintendent or other responsible adult.

All district staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff that is not authorized to impose disciplinary sanctions is expected to promptly report violations of the Districts 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 referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

Any violent and disruptive incidents (VADIR) are reportable to the New York State Education Department according to their guidelines.

VIII. Disciplinary Penalties, procedures 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 students view as 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. As a general rule, discipline will be progressive. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age
- The nature of the offense and the circumstances which led to the offense
- The student's prior disciplinary record
- The effectiveness of other forms of discipline
- Information from parents, teachers and/or others, as appropriate
- Other extenuating circumstances

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

Penalties: Students who are found to have violated the District Code of Conduct may be subject to the following penalties, either alone or in combination. The list of offenses is by no means all-inclusive. For those situations that arise and are not listed, the administration will have the complete authority to deal with the problems as deemed necessary. Violations beyond the number of instances stated will result in further, more severe disciplinary action.

The administration also reserves the right to amend the penalties for any offenses based on review of the circumstances. The Districts Code of Conduct /schedule of responses outlined here are advisory only.

- Oral warnings may be used as a consequence of student's violations of the Districts Code of Conduct
- Written notification to the parent
- Classroom, lunch and or school detention
- Suspension from transportation
- Suspension from athletic transportation
- Suspension from social or extracurricular activities

- Suspension from other privileges
- In school suspension
- Removal from classroom
- Short term (five days or less) suspension from school
- Long term (more than five days) suspension from school procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed.

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

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

- A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §32 14. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference via phone with the building principal or the principal's designee to discuss the conduct and the penalty involved
- Suspension from athletic participation and extra curricular activities
- Privileges: A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference via phone with the district official imposing the suspension to discuss the conduct and the penalty involved

In-school suspension

The Board of Education recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board of Education authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §32 14. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference via phone and the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

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 sound 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 a short-term "time out" period or sending a student to a counselor or other appropriate staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

A classroom teacher may remove a disruptive student from class for the period in which the infraction or the violation of the classroom rules occurred. For purposes of this code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

The teacher must complete a building established disciplinary referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the teacher must notify the student's parents that the student has been removed from class and why. The parent will be informed that

he or she has the right, upon request, to meet informally with the principal or the principal's designee and the teacher to discuss the reasons for the removal. The teacher who ordered the removal must attend the informal conference.

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

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

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

Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the

student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within ten business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

Long-term(more than 5 days) suspension from school

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

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the

proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only and the superintendent may accept all or any part thereof

An appeal of the decision of the superintendent may be made to the Board of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the district clerk within ten business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so, The Board of Education may adopt in whole or in part the decision of the superintendent. Final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

Minimum Periods of Suspension

- Students found guilty of bringing a weapon to school or of bringing a weapon-onto school property other than a student with a disability will be subject to Suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. 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:
 - The student's age.
 - The student's grade in school.
 - The student's prior disciplinary record.
 - The superintendent's belief that other forms of discipline May be more effective.
 - Input from parents, teachers and/or others.
 - Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

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

Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §32 14 (3-a) and this code on four or more occasions during a semester will be suspended from school. The student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Referrals

- Counseling and/or Support Services, as indicated by the principal and/or Instructional Support Team (IST)
- PINS Petitions — The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
 - Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
 - 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
 - Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition
 - Juvenile Delinquents and Juvenile Offenders — The superintendent is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the Family Court
 - Any student under the age of 16 who is found to have brought a weapon to school
 - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42). The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

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 §32 14, the district will take immediate steps to provide alternative means of instruction for the student. A plan for instruction must be provided by the teacher removing the student from class. Removal for suspension will be immediately followed by arrangements for home tutoring.

X. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Education also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education 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.

Our District Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable Federal and State law and regulations.

Authorized Suspensions or Removals of Students with Disabilities

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

- A “suspension” means a suspension pursuant to Education Law § 32 14
- A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself, herself or others.
- An “IAES” means temporary educational placement for a period of up to forty-five days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
- School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - The Board of Education, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive

school days and not to exceed the amount of time a non-disabled students would be subject to suspension for the same behavior.

- The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (1. 1) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled student would be subject to suspension for the same behavior.
- The superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- Students with disabilities who have been suspended or removed from their current placement for more than ten school days may, as determined by the CSE, be placed in an JAES which is the temporary education setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the district may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five school days if the district established, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to forty-five school days without regard to a manifestation determination as indicated below:

- Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the district; or
- Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function under the jurisdiction of the district; or
- Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the district. Serious bodily harm has been defined in law to refer to one of the following:
 - Substantial risk of death;
 - Extreme physical pain; or
 - Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates the District Code of Conduct.

- **“Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w)**

which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except for a pocket knife with a blade of less than 2-1/2 inches in length

- **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy
- **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five days at a time, if maintaining the student in his or her current education placement poses a risk of harm to the student or others.

Change of Placement Rule

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- For more than ten consecutive school days; or
- For a period often consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

Special Rules Regarding the Suspension or Removal of Students with Disabilities

The district’s Committee on Special Education shall:

- Conduct functional behavioral assessments to determine why a student engages in

a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than ten school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

- If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten school days in a school year is subject to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
- If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation to the extent the committee determines necessary.

Manifestation Determination

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

- By the superintendent to change the placement to an interim alternative educational setting (IAES);
- By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- By the Board of Education, district (BOCES) superintendent, superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the district. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's JEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability, or the conduct in question was the direct result of the district's failure to implement the IEP.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right to the parent/person in parental relation to request a hearing objecting to the manifestation determination and the district's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination for subsequent suspensions or removals for ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten school days in a school year which do not constitute a disciplinary change.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - Conducted an individual evaluation and determined that the student is not a student with a disability; or
 - Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by

applicable law and regulations.

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

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

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

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

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten consecutive days or for a period that would result in a disciplinary change in placement, unless the Committee on Special Education has determined that the behavior is not a manifestation of the student's disability.

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

Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current education placement during such proceedings.
- The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to, any decision to place the student in an IAES
 - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES
- An expedited due process hearing shall be completed within fifteen business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than forty-five calendar days after receipt of the request for a hearing, without exceptions or extensions

Referral to Law Enforcement and Judicial Authorities

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

- 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
- 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 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:

- Protect oneself, another student, teacher or any person from physical injury.
- Protect the property of the school or others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts. The building crisis intervention plan will be implemented to assist.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XII. Transportation

- **Mission Statement:** To provide safe student transportation, support district programs and maintain conditions on the buses that are conducive to the best interests of the students.
- **Rationale:** The school bus is considered an extension of the school; therefore, the safety and welfare of all pupils riding school buses is a major responsibility of the school district. Bus discipline, in order to be effective, must be a cooperative effort involving the transportation department, administrators, parents and pupils.
- **Roles and Responsibilities:** Transportation personnel will receive orientation on a regularly scheduled basis regarding general discipline, pupil behavior, pupil rights, bus rules and disciplinary procedures. In addition:
 - Bus drivers, teachers and administrators will be responsible for orienting pupils on a regularly scheduled basis regarding bus behavior
 - Pupils will be under the authority and supervision of the bus driver while on the bus and will be expected to adhere to directions at all times
 - Bus rules and regulations will be published and distributed to parents, pupils and bus drivers, and they will be posted on every bus.
 - Pupils who are disorderly and insubordinate will be subject to disciplinary action
 - Disciplinary action for misbehavior on buses will be the responsibility

- of building administrators
- Disciplinary action will be reasonable and administered in a progressive manner with pupil's rights to due process guaranteed
- The principal or designee will be responsible for notifying parents of disciplinary actions resulting from bus referrals in order to obtain their support and cooperation

Bus Rules

- Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior in accordance with the Code of Conduct.
- In addition, the following rules will be required of every student riding the school bus:
 - Follow the direction of the driver.
 - Stay in your seat.
 - Treat others respectfully.
 - Keep all body parts and objects to yourself and inside the bus seating area.
 - No eating or drinking on the bus.
 - No tobacco products, illegal substances or hazardous materials on the bus.
- Upon receipt of a written referral, the principal or designee will conduct a pupil conference.
- If a pupil denies the allegations against him/her, the principal or designee will conduct an investigation into the matter.
- A conference with the building principal or designee and the parent may be scheduled for chronic bus discipline infractions to develop an intervention plan for the student.
- The district reserves the right to assign student seating on school buses for safety, efficiency or disciplinary reasons.

Bus Suspension Guidelines

- If the "Minimum Period of Suspension" section of the District Code of Conduct covers the rule violation, the length of suspension is stated in that document.
- If the violation involved insubordination to district employees, at least two days of bus suspension is awarded (examples include, but not limited to, failing to comply with the reasonable directions of district employees and/or demonstrating disrespect).
- If the rule violation endangered the safety, morals, health or welfare of others, besides that described in the violent conduct section of the District Code of

Conduct, at least two days of bus suspension is awarded (examples include, but not limited to, throwing/shooting items, spitting, lying, stealing).

- If the rule violation was a threat, other than described in the violent conduct section of the District Code of Conduct, at least three days of bus suspension is awarded (examples include, but not limited to, informing someone you will beat, hit, kick, or hurt someone).
- If the rule violation is not covered by the above, then the length of bus suspension is based on the number of referrals the student has received during the present school year.
- Typical Referral Sequence
 - 3 referrals or less – warning/preferential seating
 - 4th referral - 2 days bus suspension
 - 5th referral - 3 days bus suspension
- Add one day each successive referral up to maximum five days bus suspension
- Requests for long-term suspensions (more than five days) will require a transportation hearing conducted by the superintendent or his designee
- A copy of the bus discipline referral, along with a bus disciplinary letter, will be sent home after each referral to explain the situation, outline the consequences, and ask for parent/guardian support

XIII. Student Searches and Interrogation of Students

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student.

In addition, the Board of Education authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students, their vehicles and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

Students are reminded that lockers remain the exclusive property of the school and that students have no expectation of privacy with respect to their lockers. To ensure student health and safety, the school reserves the right to inspect locker contents. This inspection

may include, but is not limited to, locker clean-out days, the use of trained drug dogs and individual locker examinations.

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

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

Before searching a student, their vehicle 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.

Student Lockers, Desks and Other School Storage Placed

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

Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search as part of the record of the investigation:

- Name, age and grade of student search
- Reasons for the search
- Name of any informant(s)

- Purpose of search (that is, what item(s) were being sought)
- Type and scope of search
- Person conducting search and his or her title and position
- Witnesses, if any, to the search
- Time and location of search
- Results of search (that is, what item(s) were found)
- Disposition of items found
- Time, manner and results of parental notification

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

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:

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

Before police officials are permitted to question or search any student, the building principal or designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. 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:

- They must be informed of their legal rights
- They may remain silent if they so desire
- They may request the presence of an attorney

Child Protective Services Investigations

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

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

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

XIV. Visitors to School

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

- Anyone who is not a regular staff member or student of the school will be considered a visitor
- All visitors to the school must report to the designated office upon arrival at the school. 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 the building
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- 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 to a minimum.

- Visitors are expected not to take class time to discuss individual matters with visitors
- Any unauthorized person on school property will be reported to the principals or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants
- All visitors are expected to abide by the rules for public conduct on school property contained in the District Code of Conduct
- No students will be removed from school unless they are signed out in the office as per school procedures
- Any visitor must get administrative permission to meet with a student during the school day or at school sponsored events

XV. Public Conduct on School Property

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

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

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

Prohibited Conduct

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities
- Distribute or wear materials on school grounds that violate this District Code of Conduct as presented in the student dress code section
- Intimidate, harass or discriminate against any person on the basis or race, color, creed, national origin, religion, age, gender, sexual orientation or disability
- Enter any portion of the school premises or remain in any building or facility without authorization.

- Obstruct the free movement of any person in any place to which this code applies
- Violate the traffic laws, parking regulations or other restrictions on vehicles
- 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
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or as specifically authorized by the school district,
- Loiter on school property
- Gamble on school property or at school functions
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance or Board of Education policy while on school property or while at the school functions
- Use tobacco or tobacco products on school property or during school functions
- Refrain from using offensive or obscene language while on school grounds or attending school functions

Penalties

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

- Visitors: Their authorization, if any, to remain on school grounds or at the school functions(on or off school grounds) shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest
- Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the District Code of Conduct
- Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020or any other legal rights that they may have
- 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.
- Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have

Enforcement

The building principal and all staff members are responsible for enforcing the District Code of Conduct.

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

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

XVI. Dissemination of Code of Conduct

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

- Providing copies of a summary of the District Code of Conduct to all students at a general assembly held at the beginning of each school year
- Making copies of the District Code of Conduct available to all parents at the beginning of the school year
- Mailing a summary of the District 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 and on the district website
- Providing all current teachers and other staff members with a copy of the District Code of Conduct and a copy of any amendments to the code as soon as practicable after adoption
- Providing all new employees with a copy of the current District Code of Conduct when they are first hired
- Making copies of the District Code of Conduct available for review by students, parents and other community members

Review of Code of Conduct

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

The Board of Education may appoint an advisory committee to assist in reviewing the code and the district's response to District Code of Conduct violations. The committee will be made up of student representatives, teachers, administrators, members of our parent organization, school safety personnel and other school personnel as needed.

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

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