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# MillerPlace

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Union Free School District

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## CODE OF STUDENT CONDUCT, RIGHTS & RESPONSIBILITIES



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# CODE OF CONDUCT

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*Ref. Policy 5020.5.E.1*  
*Policy 5310.4*  
*Policy 5310.1*

## **I. Introduction**

The Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive, and district staff may deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, other district staff, parents and other visitors is essential to achieving this goal. The district has a long-standing set of expectations for conduct on school property, while participating in distance learning and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. The Board further recognizes that such a Code of Conduct needs to be developed collaboratively with students, teachers, administrators, parent organizations, school safety staff and other school staff. To this end, the Board adopts this Code of Conduct (“Code”), which is in compliance with the SAVE Legislation. The rules and procedures contained within this document do not preclude the administration from dealing with inappropriate behavior not specifically stated in the Code of Conduct.

Unless otherwise indicated, this Code applies to all students, school staff, parents and other visitors when on school property or attending school functions, including, but not limited to: distance learning, field trips, proms, and athletic events.

## **II. Definitions**

For purposes of this Code, the following definitions apply.

**“Disruptive student”** means an elementary or secondary student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom or while participating in distance learning.

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

**“Distance Learning”** is a type of educational process where the majority of the learning takes place with the teacher and student at different locations. In distance learning, teaching and learning are not conducted in a traditional classroom setting.

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

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

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

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

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

**“School function”** means any school-sponsored event or activity, held on or off of school district property.

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

**“Violent student”** means an elementary or secondary student who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Threatens to use any weapon or violence upon any person while on school property or at a school function.
5. Displays, while on school property or at a school function, what appears to be a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, scissor, utensil, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**“District Staff”** means any individual appointed or hired by the Board of Education to provide a service to the district.

### **III. Student Rights and Responsibilities**

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

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

1. The opportunity to take part in all district activities free of prohibited discrimination and harassment in conformity with the law, regardless of actual or perceived race, color, weight, creed, national origin ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school staff authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

3. Access school rules policies, regulations and, when necessary, receive an explanation of those rules from school staff.

## **B. Student Responsibilities**

### **All district students have the responsibility to:**

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning, and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school staff in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school functions and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **IV. Essential Partners**

### **A. Parents**

#### **All parents are expected to:**

1. Recognize that the education of their children is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. During distance learning, create an environment that is conducive to their child's learning.
5. Ensure absences are excused.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
9. Convey to their children a supportive attitude toward education, the district and district staff.
10. Build positive, constructive relationships with teachers, other parents and their children's friends.

11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Not bring weapons onto school property.
14. Monitor student social media to ensure appropriate material and interaction.
15. Contact their children's teachers first if there are questions or concerns and, if the questions or concerns are not satisfactorily addressed, then the teachers' immediate supervisors.
16. Provide a place for study and ensure homework assignments are completed.

**B. Support Staff (School Nurses, Clerical, Custodial, Maintenance, Buildings & Grounds Food Service, Security, Transportation)**

**All support staff are expected to:**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Know school policies and rules, and help enforce them in a fair and consistent manner.
3. Be prepared to support the work of teaching to learn.

**C. Teachers**

**All district teachers are expected to:**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students.
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment and discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

**D. Guidance Counselors/Student Assistance Counselors**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces in conformity with the Taylor Law.
10. Address issues of harassment and discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

#### **E. Principals/Administrators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate school functions.
6. Ensure that staff is properly informed of situations that may affect student conduct or performance.
7. Be responsible for enforcing the Code of Conduct and ensure that all cases are resolved promptly and fairly.
8. Provide support in the development of the Code of conduct, where called upon. Disseminate the Code of Conduct and Anti-Harassment policies.

#### **F. Deputy Superintendent, Assistant Superintendent, Executive Director for Educational Services, Administrator for Pupil Personnel Services, School Business Official, Administrator for Physical Education, Health, Athletics and Intramurals, Administrator for Instruction and Data Reporting, Director of Technology, Director of Facilities.**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with district administrative and support staff and approach the district administrative and support staff for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate, on a regular basis, all programs in her/his area of responsibility.
5. Support the development of and student participation in appropriate school functions.
6. Assist in the enforcement of the Code of Conduct and ensure that all cases are resolved promptly and fairly.

### **G. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs. Maintain confidentiality in accordance with federal and state law.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Participate in school-wide efforts to provide adequate supervision in all school spaces.
7. Address issues of harassment and discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

### **H. Board of Education**

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



6. Address issues of harassment and discrimination or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

### **I. The Dignity Act Coordinators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. The following individuals are the Dignity Act Coordinators of each building; Mr. Kevin Slavin, MPHS 631- 474-2723, Mr. Matthew Clark, NCRMS 631-474-2710 Mr. Christopher Herrschaft LADSBS 631-474-2719, Mrs. Laura Gewurz AMPS 631-474-2715.

### **V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

Teachers and all other district staff should exemplify and reinforce acceptable student dress, and help students develop an understanding of appropriate appearance in the school setting (by example).

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments, and/or garments designed to expose bare midriffs, short/skort skirts (width of a dollar bill above the knee cap) that are excessively revealing, in addition to any garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.

5. Not include the wearing of hats, skullcaps or bandanas in school, during school hours, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of actual or perceived race, color, weight, creed, national origin ethnic group, religion, religious practice, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

## **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 staff and other members of the school community, and for the care of school facilities and equipment.

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

The Board recognizes the need to make its expectations for student conduct while on school property, while participating in distance learning 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 consequences and the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.

5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or Internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

**B. Engage in conduct that is insubordinate. Examples of insubordinate conduct includes *but is not limited to*:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students, or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school staff in charge of students.
2. Any behavior that stops a teacher from teaching and students from learning in or outside the classroom.

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

1. Committing an act of violence (such as hitting, kicking, punching and scratching) a teacher, administrator or other school employee, or any person attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching and scratching) another student or any other person lawfully on school property or at a school function, or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon or violence upon any person.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

**E. Engage in conduct that is inappropriate while participating in distance learning:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students, or otherwise demonstrating disrespect.
2. Any behavior that stops a teacher from teaching and students from learning.
3. Threatening to use any weapon or violence upon any person.
4. Defamation.
5. Discrimination.
6. Cyberbullying.
7. Intimidation
8. Using vulgar or abusive language, cursing or swearing.
9. If the student engages in conduct included in sections A, B, C, D, or F, will result in the teacher disconnecting the student immediately.
10. Actions by a parent, guardian, sibling or non-student that are visible or audible while the student is participating in virtual or remote learning, will result in the teaching disconnecting the student immediately.

**F. Engage in any conduct that endangers the safety, physical or mental, morals, health or welfare of others. Examples of such conduct include *but are not limited to*:**

1. Lying to school staff.
2. Stealing the property of other students, school staff or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person's actual or perceived race, color, weight, creed, national origin ethnic group, religion, religious practice, gender or sexual orientation or disability.
5. Harassment, bullying (cyberbullying) and/or discrimination against any student by employees or students, or the creation of a hostile environment by conduct or by threats, intimidation or abuse, that either: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or cause a student to fear for his or her physical safety. Such conduct shall include acts of harassment and/or bullying that occur: (i) on school property; (ii) at a school function; or (iii) off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct, threats, intimidation or abuse might reach school property. Harassment is also the creation of a hostile environment. (See policy, 5020.5 Student

Harassment and Bullying Prevention and Intervention for a more complete definition

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 5020.4 for a more complete definition).any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using, or possessing or sharing obscene material in print or online.
9. Using vulgar or abusive language, cursing or swearing.
10. Possessing, smoking, using, consuming, selling, distributing or exchanging vapes, cigarettes, electronic cigarettes, cigars, pipes, or chewing or smokeless tobacco. 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, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as “designer drugs.”
11. Inappropriately using, sharing or selling prescription and over-the-counter drugs.
12. Gambling.
13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. During school dances, sexual innuendos on the dance floor, including any kind of fondling, breakdancing, pushing, shoving or “moshing”.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Selling of items or products for personal gain.
17. Use of district computers or personal computers for inappropriate on-line activities or sites or harassment of a staff member or student.
18. Intentionally creating or engaging in action which embarrasses or humiliates another student, district employee or person authorized to be on school property.

**G. Engage in misconduct while on school-sponsored transportation.** Students are required to conduct themselves in the vehicle in a manner consistent with established standards for classroom behavior. **Examples of such conduct include *but are not limited to*:**

It is crucial for students to behave appropriately while riding on district buses and other sponsored transportation to ensure their safety and the safety of other passengers and to avoid:

1. Distracting the vehicle operator.
2. Excessive noise.
3. Pushing, shoving and fighting, bullying, harassing.
4. Eating.
5. Lewd behavior will not be tolerated (Policy 5320, 5320R).

6. Moving seats on the bus while it is in motion that cause danger to themselves or others.
7. Engaging in risky behavior.

**H. Engage in any form of academic misconduct. Examples of academic misconduct includes *but is not limited to*:**

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

**VII. Report Violations**

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

All district staff that is authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code 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, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code and constituted a crime.

Regarding students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior see District Policy No. 5020.5 - *Student Bullying and Harassment.*"

## **VIII. Disciplinary Penalties**

### **Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs. School staff that interact with students are expected to use disciplinary action only when necessary.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Regarding acts of harassment, bullying/cyberbullying and/or discrimination, discipline will also be progressive and include measured, balanced and age-appropriate remedies. Procedures will make appropriate use of prevention, education, intervention and discipline. The aforementioned procedures will ensure that consideration be given to, among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record, other extenuating circumstances, and the impact the student's behavior(s) had on the individual(s) who was physically injured and/or emotionally harmed. The District's response will be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

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 this Code 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.

### **A. Penalties**

Students who are found to have violated the district's Code may be subject to the following penalties, either alone or in combination. The school staff identified after each penalty is authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning - any member of the district staff
2. Written referral - district staff and contract bus drivers
3. Oral Notification - administrative staff and/or designees, contract bus drivers
4. Written notification to parent - administrative staff and/or designees
5. Detention - teachers, principal, superintendent
6. Suspension from transportation - director of transportation, principal, superintendent
7. Removal from individual school functions - activity director, dean, assistant principal, principal, superintendent
8. Suspension from athletic participation - coaches, athletic director, principal, superintendent
9. Suspension from social or extracurricular activities - activity director, principal, superintendent
10. Suspension of other privileges - principal, superintendent

11. In-school suspension - principal, superintendent
12. Removal from classroom by teacher - teachers, principal
13. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education
14. Long-term (more than five days) suspension from school - superintendent, Board of Education
15. Permanent suspension from school - superintendent, Board of Education

## **B. Procedures**

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

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

### **1. Detention**

Teachers, principals and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention.

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

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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



A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

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

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students, who would otherwise be suspended from school as the result of a Code violation, in "in-school suspension." A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### **5. 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 effective 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 a supervised alternative setting. If these techniques do not work, or if the teacher deems it necessary in a specific situation, the teacher may need to direct a student to leave the classroom to give her/him the opportunity to regain her/his composure in a supervised alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, despite repeated attempts of the teacher to utilize effective classroom management techniques, a student's behavior may become disruptive. 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.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from 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 twenty-four hours.

The teacher must complete and provide the principal with the district established removal form as soon as possible after the student's exclusion from class, but no later than the end of the school day. If the principal or designee is not available to receive the form, the teacher must leave the form with the secretary. Furthermore, as soon as possible, but no later than twenty-four hours after the removal, the teacher is to meet with the principal or designee to explain the circumstances of the removal and to review the contents of the removal form.

Within twenty-four hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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 twenty-four hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

If at the informal meeting the student denies the charges, the teacher and principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight 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:

1. The charges against the student are not supported by substantial evidence.

2. The student's removal is otherwise in violation of law, including the district's Code.
3. The conduct warrants suspension from school pursuant to Education Law §3214, and a suspension will be imposed.

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district-provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

## **6. Suspension from school**

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

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

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

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less, pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four 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. The parents shall in the dominant language or mode of communication use both the notice and informal conference. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within 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 30 days of the decision. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendents’ decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

#### **c. Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school staff or any other person lawfully on school property or attending a school function.

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

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

Any student\* found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will 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:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.

5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

*\*A student with a disability may be suspended only in accordance with the requirements of state and federal law. Refer to procedures detailed in Section X.*

## **3. Students who are repeatedly and/or substantially disruptive of the educational process and/or repeatedly substantially interfere with the teacher's authority over the classroom or while participating in distance learning**

Any student\* who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or while participating in distance learning, will be suspended from school for at least five days. For purposes of this Code, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom or disconnected immediately from distance learning by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. 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.

*\*A student with a disability may be suspended only in accordance with the requirements of state and federal law. Refer to procedures detailed in Section X.*

## **D. Referrals**

### **1. Counseling**

The guidance office shall handle all referrals of students to counseling.

## **2. PINS Petitions**

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §21.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

## **3. Juvenile Delinquents and Juvenile Offenders**

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

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

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

## **IX. Alternative Instruction**

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

## **X. Discipline of Students with Disability**

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

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

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

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

A “suspension” means a suspension pursuant to Education Law §3214. 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 or herself or others.

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

2. School staff may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the district (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 nondisabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension, and the suspension or removal does not exceed the amount of time nondisabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be



subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

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

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School staff may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement, based on a pattern of suspension or removal.

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

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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

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

district had knowledge the student was a student with a disability, the district either:

- 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal 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.

4. 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.
5. 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 nondisabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
7. 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 nondisabled students, except that school staff may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

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

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school staff 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 staff maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school staff proposes to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within 5 business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to Law Enforcement and Judicial Authorities**

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

1. The district may report a crime committed by a child with a disability to the appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## **XI. Corporal Punishment**

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

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

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

Notwithstanding the prohibition on corporal punishment, in the event that corporal punishment is used, the following procedure will be observed:

1. The employee who has administered corporal punishment must notify the building principal immediately. The building principal shall file a report with the superintendent's office.
2. The reports shall relate all applicable details of the incident, including what action was taken, why the action was taken, and what measures, if any, have been taken to prevent the need for such action.
3. The report shall be kept on file and made available to the parent upon request.
4. The parent will be afforded the opportunity to request a conference with the student, teacher, and administrator(s) involved in the incident to discuss the situation.
5. The superintendent shall review the reports and make a recommendation to the Board of Education as to whether disciplinary action should be taken against the employee involved.

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

## **XII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere, on school property and at school functions, that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not

entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the superintendent, and/or designated school personnel, to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

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

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

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

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

**A. Student Lockers, Desks, Distance Learning Platform and other School Storage Places**

The rules in this Code 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, distance learning platform and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**B. Documentation of Searches**

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

1. Name, age and grade of student searched.

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

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

### **C. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

This means:

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

### **D. Child Protective Services Investigations**

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

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

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

### **XIII. School District Buildings**

The Board encourages parents and other district residents to visit the district's schools. Since schools are a place of work and learning, however, certain limits must be set for such visits.

The building administrator or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. The visitor will sign with the security personnel or at the district office, as appropriate, indicating the name of the person with whom he/she wishes to meet, put on an identification badge, and indicate to security personnel whether or not an appointment has been prearranged, and the specific purpose of such a visit. All visitors/parents must return the badge and sign out. If a prior appointment has not been made, the visit will be permitted only with the approval of the administrator or designee and the teacher. On receipt of such approval, the visitor will proceed directly to the building location designated by



the administrator or designee for the transaction of the visitor's business. If the visit is not approved, the visitor must leave the school promptly.

A parent picking up a child must show proper identification and must also follow this procedure:

1. A visitor will not loiter in the school before or after his/her visit or before or after leaving the office, nor stop at or visit other places or people in the building other than those approved and designated.
2. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents or residents 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.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the administrator or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

#### **XIV. 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, district staff, residents, members of the general public and/or invitees.

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 for which they are on school property.

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, may reasonably incite violence and/or riots, or are disruptive to the school program.
5. Unlawfully intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice age, gender (including gender identity and expression), sex, sexual orientation, marital, military, or veteran status, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange tobacco, alcoholic beverages, controlled substances, or be under the influence of, either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

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

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they will be considered as trespassers, and local enforcement authorities shall be contacted.
2. **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. **Tenured faculty members.** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. **Staff members other than those described in subdivisions 4 and 5.** They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

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

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

## **XV. Dissemination and Review**

### **A. Dissemination of Code**

The board will work to ensure that the community is aware of this Code by:

1. Providing copies of an age-appropriate, written in plain language summary of the code to all students at a general assembly held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year and thereafter on request.
3. Posting the complete Code of Conduct on the District's website.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.

7. Posting the name, designated school building and contact number information of each Dignity Act Coordinator in the plain language summary of the Code of Conduct.
8. Including the name, designated school building and contact number information of each Dignity Act Coordinator in at least one school mailing per year to parents and persons in parental relation, and if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter.
9. Posting the name, designated school building and contact number information of each Dignity Act Coordinator in highly visible areas in each building.
10. Making the name, designated school building and contact information of each Dignity Act Coordinator available at the district and school-level administrative offices.

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

The Board of Education will review, as needed, this Code and update it as necessary. In conducting the review, the board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

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

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

The Code and any amendments to it will be filed with the Commissioner in a manner prescribed by the Commissioner, no later than 30 days after adoption.