

Hammondspport

Central School



District Code of

Conduct

2017-2018

TABLE OF CONTENTS

	<u>Page</u>
I. <u>INTRODUCTION</u>	1
II. <u>DEFINITIONS</u>	1
III. <u>STUDENT RIGHTS AND RESPONSIBILITIES</u>	2
A. <u>Student Rights</u>	2
B. <u>Student Responsibilities</u>	3
IV. <u>ESSENTIAL PARTNERS</u>	3
A. <u>Parents</u>	3
B. <u>Teachers</u>	4
C. <u>Counselors</u>	4
D. <u>Building Principals</u>	5
E. <u>Support Staff</u>	5
F. <u>District Superintendent</u>	6
G. <u>Board of Education</u>	6
V. <u>STUDENT DRESS CODE</u>	6
VI. <u>PROHIBITED STUDENT CONDUCT</u>	8
VII. <u>REPORTING VIOLATIONS OF THE CODE OF CONDUCT</u>	11
VIII. <u>DISCIPLINARY PROCEDURES AND CONSEQUENCES</u>	12
A. <u>Consequences</u>	12
B. <u>Procedures</u>	13
1. <u>Detention</u>	13
2. <u>Suspension from transportation</u>	13
3. <u>Suspension from athletic participation, extracurricular activities and other privileges</u>	14
4. <u>In-school Suspension</u>	14
5. <u>Teacher Removal of Disruptive Students</u>	14
6. <u>Suspension from School</u>	16
C. <u>Minimum Periods of Suspension</u>	18
1. <u>Students who bring a weapon to school</u>	18
2. <u>Students who commit violent acts other than bringing a weapon to school</u>	18

3.	<u>Students who are repeatedly substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom</u>	19
D.	<u>Referrals</u>	19
1.	<u>Counseling</u>	19
2.	<u>PINS Petitions</u>	19
3.	<u>Juvenile Delinquents and Juvenile Offenders</u>	19
IX.	<u>ALTERNATIVE INSTRUCTION</u>	20
X.	<u>DISCIPLINE OF STUDENTS WITH DISABILITIES</u>	20
A.	<u>Authorized Suspension or Removal of Students with Disabilities</u>	20
B.	<u>Change of Placement Rule</u>	22
C.	<u>Special Rules Regarding the Suspension or Removal of Students with Disabilities</u>	22
D.	<u>Expedited Due Process Hearings</u>	24
E.	<u>Referral to Law Enforcement and Judicial Authorities</u>	25
XI.	<u>CORPORAL PUNISHMENT</u>	25
XII.	<u>STUDENT SEARCHES AND INTERROGATIONS</u>	26
A.	<u>Student Lockers, Desks, and Other School Storage Places</u>	27
B.	<u>Strip Searches</u>	27
C.	<u>Documentation of Searches</u>	27
D.	<u>Police Involvement in Searches and Interrogations of Students</u>	28
E.	<u>Child Protective Services Investigations</u>	28
XIII.	<u>VISITORS TO THE SCHOOLS</u>	29
XIV.	<u>PUBLIC CONDUCT ON SCHOOL PROPERTY</u>	30
A.	<u>Prohibited Conduct</u>	30
B.	<u>Penalties</u>	31
C.	<u>Enforcement</u>	31
XV.	<u>DISSEMINATION AND REVIEW</u>	32
A.	<u>Dissemination</u>	32
B.	<u>Review</u>	32

I. INTRODUCTION

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, at school functions, and with District resources, identify potential consequences of unacceptable conduct, and ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”). This Code has been developed in collaboration with teachers, administrators, other school service professionals, students, parents, and community members.

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

II. DEFINITIONS

For purposes of this Code, the following definitions apply:

“Disruptive student” means a student under the age of 21 who substantially disrupts the educational process or substantially interferes with the teacher’s authority over the classroom.

“Parent” means the biological, adoptive or foster 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 buses, whether owned and operated by the District or by a carrier the District contract with for transportation of its students, are considered school property.

“School function” means any school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

“District resources” means the District’s computer systems and networks, any configuration of hardware, operating system software, application software, stored text, and data files. Examples include electronic mail, local databases, externally accessed resources (such as the Internet), CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.

“Violent student” means a student under the age of 21 who:

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

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

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Take part in all District activities on an equal basis regardless of age, race, creed, religion, religious practice, color, national origin, sex, sexual orientation, gender, ethnic group, political affiliation, marital status, or disability.
2. Schools that are free of tobacco, alcohol, and drugs.
3. An explicit and consistently-administered discipline code.
4. Courtesy and respect from one another and from school personnel.
5. Present their version of the relevant events, at an appropriate time, to school personnel before imposition of penalty and be afforded due process before removal from an instructional program.
6. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
7. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on district property or at a district-sponsored event.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a school environment conducive to learning and to show respect to other persons and to property in accordance with this Code of Conduct and the Dignity for All Students Act.
2. Comply with all District policies (including this Code), rules, and regulations regarding 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 individual ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
5. React positively and responsibly to directions given by teachers, administrators, and other school personnel.
6. Display their emotions in an appropriate manner.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to high standards of conduct, demeanor, and sportsmanship.
12. To report and encourage others to report any incidents of intimidation, harassment or discrimination.

IV. ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents, the students, and the school community.
2. Send their child(ren) to school ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Ensure absences are excused and properly documented.
5. Insist their child(ren) be dressed and groomed in a manner consistent with the student dress code. *See* Section V “Student Dress Code.”
6. Help their child(ren) understand that in a democratic society, appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their child(ren) understand them.
8. Convey to their child(ren) a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents, and their child(ren)’s friends.
10. Help their child(ren) deal effectively with peer pressure.

11. Inform District officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Deliver instruction effectively.
3. Demonstrate interest in pedagogy and concern for student achievement.
4. Know District policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Grading procedures
 - c. Assignment deadlines
 - d. Student expectations
 - e. Classroom discipline plan
6. Communicate regularly with students, parents, and other teachers.
7. Be responsive to parent and student communications.
8. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act ("FERPA").
9. Be responsible for enforcing this Code of Conduct and making any timely notifications as required by this Code of Conduct, including reporting incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator.

C. Counselors

All District counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social, and emotional issues and concerns.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress, career plans, and graduation requirements.
4. Provide information to assist students with educational and career planning.

5. Encourage students to benefit from the curriculum and extra-curricular programs offered by the District and available within the community.
6. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act (“FERPA”).
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor’s attention to the building administrator and/or Dignity Act Coordinator.

D. Building Principals

All District principals are expected to:

1. Make student achievement and character development the primary focus of the building.
2. Promote a safe, orderly, and stimulating school environment, supporting effective teaching and learning.
3. Ensure their accessibility to students, staff, and parents.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extra-curricular activities.
6. Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.
7. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act (“FERPA”).
8. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal’s attention in a timely manner in collaboration with the Dignity for All Students Act.

E. Support Staff/Contract Personnel

All Support Staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students’ self-esteem and promote confidence to learn.
2. Support a safe, orderly, and stimulating school environment.
3. Know District policies and rules, and enforce them in a fair and consistent manner.
4. Communicate to students and parents as needed.
5. Be responsive to parent and student communications.
6. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act (“FERPA”).
7. Communicate regularly with students, parents, and teachers. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member’s attention to the building administrator and/or Dignity Act Coordinator.

F. District Superintendent

The District Superintendent is expected to:

1. Make student achievement and character development the primary focus of the District.
2. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination and harassment supporting effective teaching and learning.
3. Review with District administrators the policies of the Board and local, state, and federal laws relating to school operations and management.
4. Inform the Board of educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act (“FERPA”).
7. Work with District administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.

G. Board of Education

The Board is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel to develop a Code that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions.
2. Adopt and review at least once per year the District’s Code to evaluate its effectiveness, fairness, and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building.
4. Lead by example by conducting Board meetings and Board business in a respectful, responsible, caring, and honest manner.

V. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately on school property and at school functions. The purpose of the dress code is to ensure a productive learning environment in which all students feel comfortable. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following is considered as **unacceptable dress** for our students:

- Messages on clothing, jewelry, and personal belongings that are vulgar, obscene, libelous, sexually suggestive or intentionally insult others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability
- Items that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities
- Hats, hoods, bandannas, or other headwear (except for religious or medical purposes)
- Coats or outerwear worn inside the building (except for religious or medical purposes)
- Sunglasses (except for medical reasons)
- Tank tops, halter or tube tops, spaghetti straps, one-shoulder tops, and low-cut tops (unless worn with another top that provides appropriate coverage)
- Strapless dresses or blouses
- Pajamas
- See-through clothing
- Dresses or skirts above mid-thigh
- Short shorts
- Display of undergarments (bras, boxers, underwear, etc.)
- Mid-cut shirts/tops that reveal the midriff
- Hazardous jewelry, including but not limited to spiked jewelry or wallet chains
- Footwear that have wheels or other devices allowing sliding or rolling
- Perfume, cologne, or personal hygiene that has a negative impact on others
- Extremely revealing or excessively tight clothing such as dresses, shirts and pants
- Footwear must be worn at all times

The following is considered as **acceptable dress** for our students:

- Safe footwear
- Jeans, slacks, and khakis
- Shorts, mid-thigh or longer Capri pants
- Dresses and skirts/skorts mid-thigh or longer T-shirts, turtleneck tops, collared shirts, crew neck shirts, and sleeveless blouses that provide appropriate coverage
- Sweaters, fleece, and sweatshirts
- Appropriate undergarments

This list is not meant to be inclusive. If the principal or his/her designee believes student dress is inappropriate the principal shall inform the student that his/her dress violates the student dress code and give specific reasons why the student dress interferes with the educational process. The District will not regulate the way students dress while in school or at school functions with either fashion or taste as the sole criterion; however, student dress may not be disruptive, conflicts with the rights of others or fails to meet health and safety standards.

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

the dress code shall be subject to further discipline, up to and including out-of-school suspension.

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.

VI. PROHIBITED STUDENT CONDUCT

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

Typically progressive discipline will be utilized starting with a low level of discipline and progressing to suspension from school for various periods of time. However, the severity of misbehavior and the student's total disciplinary record will impact any decision regarding discipline.

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 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 meet that need and focus on safety and respect for the rights and property of others.

The District has the right to discipline student misconduct on school property, at school functions or off-campus if such conduct impacts the school environment. Further, the Code applies year-round, including summer recess and school breaks.

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:
1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar, abusive or disrespectful.
 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. Nor are they permitted in any classroom or any school room

without a bona fide reason or the express permission of a teacher or administrator.

7. Misusing computer systems/electronic communications, 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 include:

1. Failing to comply with the lawful 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. Failing to attend an assigned detention.

C. **Engage in conduct that is disruptive.** Examples of disruptive conduct include:

1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel.
2. Being late for school or class.
3. Being unprepared for class.
4. Using *unapproved* electronic devices, including, but not limited to, cellular phones, camera phones, MP3 players, iPods, game units, and/or other such electronic devices during classroom instructional time.

D. **Engage in conduct that is violent.** Examples of violent conduct include:

1. Committing or attempting to commit an act of violence upon a teacher, administrator or other school employee.
2. Committing or attempting to commit an act of violence upon another student or any other person lawfully on school property.
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student or employee to fear for his or her well-being.
4. Possessing a weapon as per the definition found in this Code. 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.
5. Displaying what appears to be a weapon as per this Code.
6. Threatening to use a weapon as per this Code.
7. Intentionally damaging or destroying the personal property of a teacher, administrator, student, other District employee or any person lawfully on school property, including graffiti or arson.
8. Intentionally damaging or destroying school property, including District computer systems and data.

E. **Engage in any conduct that endangers the safety, morals, health, or welfare of others or compromises the authority of school officials.** Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function, including data, equipment, and intellectual property.
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, based on a person's actual or perceived race, age, color, creed, national origin, ethnic group, religion, religious practice, sex, gender/gender identity, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of personal harm.
7. Cyber bullying, which includes but is not limited to the misuse of emails, instant messages, text messages, digital pictures or images, web postings (including blogs), social websites (Facebook, MySpace), chat rooms, and/or similar technologies and/or forums to torment, threaten, harass, humiliate, or embarrass another individual.
8. Hazing, which includes any intentional or reckless action directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
9. Possessing, consuming, selling, distributing or exchanging obscene materials.
10. Using vulgar or abusive language, cursing or swearing.
11. Possessing, consuming, selling, distributing or exchanging a cigarette, e-cigarette, e-smoking device, cigar, pipe or using chewing or smokeless tobacco.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, powdered alcohol, tobacco, tobacco products or illegal substances or controlled substances, counterfeit and designer drugs, or paraphernalia, or being under the influence of such. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PVP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
13. Possessing, consuming, selling, distributing or exchanging prescription and over-the-counter drugs.
14. Gambling.
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Engaging in threatening or reckless behavior that serves to endanger the property or safety of others.

18. Use and/or display of electronic media (such as e-mail, text messages, messages sent through social media websites and other such messages) to knowingly transmit, retrieve, or store any communication (e.g. forwarded emails that contain jokes, pictures, promoting a violation of school rules etc...) that are:
 - a. Discriminatory or harassing;
 - b. Derogatory to any individual or group;
 - c. Obscene, sexually explicit or pornographic;
 - d. Defamatory or threatening;
 - e. In violation of any license governing the use of software;
 - f. In violation of any other law or rule; or
 - g. Engaged in for any purpose that is illegal or contrary to this Code or District interests and/or reputation.

F. **Engage in misconduct while on a school bus.**

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers, to avoid distracting the bus driver and to avoid distracting other drivers. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting, harassment, and discrimination will not be tolerated.

G. **Engage in any form of academic misconduct/dishonesty.** Examples of academic misconduct/dishonesty include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Accessing other users' email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.

VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student observing any individual possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any staff member, teacher, or administrator. Any weapons, alcohol, or illegal substances found shall be confiscated by the school administration followed by notification to the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The Building Principal must notify the appropriate local law enforcement agency of those Code violations which a building principal believes may constitute a crime and substantially affect the order or security of a school soon as practical. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call. The notification must identify

the student(s) and explain the conduct that violated the Code and may also have constituted a crime.

VIII. DISCIPLINARY PROCEDURES AND CONSEQUENCES

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 reasonable and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating **circumstances**.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

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.

A. Consequences

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

1. Verbal warning – any member of the District staff
2. Written warning – bus driver, hall and lunch monitor, teacher, and administrator
3. Written notification to parent – bus driver, hall and lunch monitors, teachers, and administrators
4. Detention – teacher, administrator, superintendent. If a discipline referral is written, the parent must be contacted prior to detention being served.
5. Suspension from transportation – administrator, superintendent
6. Suspension from athletic participation – coach, administrator, superintendent
7. Suspension from social or extra-curricular activities – activity director, club advisor, administrator, superintendent

8. Counseling (anger management, drug and alcohol, etc.) – principal, superintendent
9. Suspension from other privileges – administrator, superintendent
10. In-school suspension (including Off-Site) – principal, superintendent
11. Removal from classroom – teacher, principal, superintendent
12. Short-term (five days or fewer) suspension from school – principal, superintendent, board
13. Long-term (more than five days) suspension from school –superintendent, board
14. Permanent suspension from school – superintendent, board
15. Suspension from District computer resources—administrator, superintendent

B. Procedures

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than a verbal warning, written warning, 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.

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 administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the administrator or the Superintendent. 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 from attendance for a student within the compulsory ages of attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to 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 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, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and 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 that 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 Superintendents to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education

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 Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "timeout" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code, 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 student from class for up to two days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose 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 one full school day.

The teacher must complete a District-established referral form and meet with the Principal or Assistant Principal 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 referral forms. If the Principal or Assistant Principal 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 Assistant Principal prior to the beginning of classes on the next school day.

Within 24 hours of the student's removal, the Principal or another District administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from the class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the Principal or the principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause 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 by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the Principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher, and principal. The attendance of the teacher at the informal meeting will be at the discretion of the 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.
3. The conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed.

The Principal or his/her designee must make a determination as to whether to overturn the removal before the close of business on the day of the informal hearing. 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. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

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/her class. The Principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/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.

Nothing in this section of the Code abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not interfere with good classroom management.

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.

All staff members must immediately report and refer a violent student to the Principal 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 referral that may warrant a 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 (five days or fewer) Suspension from School

When the principal or superintendent (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 the 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 parent 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 shall take place before the student is suspended unless in the opinion of the Principal or Superintendent 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 distraction, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Suspending Authority shall promptly advise the parents in writing of his or her decision. The Suspending Authority 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 (if suspension is by the Principal), or if the suspension is by the Superintendent, directly to the District Clerk of the Board of Education within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long Term (more than 5 days) Suspension from School

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function or where multiple short and long term suspensions have been previously imposed.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subjected 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:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

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

3. Students who are repeatedly substantially disruptive of the educational process or 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 subject to a suspension from school for five or more days pending review by the Principal. If the proposed penalty is a 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 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 suspension on a case-by-case basis to be consistent with any other state and federal law. 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.

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 § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The Superintendent 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 qualified for juvenile offender status under the Criminal Procedures 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 a class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the District will take immediate steps to provide alternative means of instruction for the student.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to 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 Suspension or Removal of Students with Disabilities

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/herself or others.

An interim alternative educational setting **“IAES”** means a temporary educational placement for a period of up to 45 school 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/her current educational placement as follows:

1. The Board, the District (BOCES) Superintendent of Schools or a Building Principal delegated the authority to suspend students may order the placement

of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

2. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
3. 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.
4. 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.
 - a. **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which include “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 ½ inches in length.”
 - b. **“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.
 - c. **“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 of 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 45 days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

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.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The District's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
 - b. If subsequently a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/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 District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- c. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the 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:
 - i. conducted an individual evaluation and determined that the student is not a student with a disability, or
 - ii. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student

with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:
 - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/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/her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or

relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

- (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
 - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

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

1. The District shall report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure upon request 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.

If possible, prior to a physical intervention with a student, a District employee training in alternative procedures and/or de-escalation tactics (such as Therapeutic Crisis Intervention)

will be contacted. 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 functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

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 is committed to ensuring an atmosphere on school property, at school functions, and in District-sponsored activities/trips 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's Code. 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. Students do have the right to be told, upon request, why they are being questioned.

In addition, the Board authorizes the Superintendent and building principals 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's Code. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a back pack without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may further 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, 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.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the District's 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. The administrator shall attempt to have a second school employee present at the search.

A. Student Lockers, Desks, 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, 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. Strip Searches

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. This is an extreme action which should only be imposed in cases involving the probability of a serious threat to safety such as a weapon, illicit drug. An example of such a serious threat would be the strong belief on the part of administration that a student is concealing a weapon or narcotic that could be life threatening to the student or others. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a serious violation of law or the District’s Code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student’s age, the student’s record and the need for such a search.

School officials will attempt to notify the student’s parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. 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. Basis of information leading to search.
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his/her title and position.
7. Witnesses to the search.
8. Time and location of search.

9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal/designee shall retain control of the items, unless the items are turned over to the police. The Principal/designee shall be responsible for personally delivering dangerous or illegal items to police authorities. A student who refuses to cooperate with a search shall be deemed to be insubordinate and subject to appropriate penalties including suspension from school.

D. 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;
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.

Police may question student witnesses to any incident without parental consent. Before police officials are permitted to question or search any student suspected of committing a crime, the Principal/designee shall first 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 parent shall be informed of the questioning or search, in writing, by the Principal/designee as soon thereafter as possible. The Principal/designee will also be present during any police questioning or search of a student on school property or at a school function. If the police officer determines there is enough evidence to arrest the student, that student may be removed from school premises by the police without parental consent.

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.

E. 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 Principal. The Principal shall set the time and place of the interview. The Principal 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/her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his/her clothing in front of a child protective services worker or 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/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. VISITORS TO THE SCHOOLS

The Board encourages parents and other District citizens 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 Principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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

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 and District personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, violate the rights of others, or are disruptive to the educational environment.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray 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 District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any lawful order of identifiable school officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be considered trespassing and subject to ejection.
2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the “Penalties” section of this Code, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and 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 immediate ejection and 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/designee shall be responsible for enforcing the conduct required by this Code. The Building Principal/designee may designate the other District staff who are authorized to take action consistent with the Code.

When the Building Principal/Designee or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and direct the individual to stop. The school official 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 designated school official 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

The Board will work to ensure community awareness of this Code by:

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general assembly held at the beginning of each school year.
3. Providing a plain language summary of the Code to all parents of District students before the beginning of each school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code 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 as well as maintain a copy on the District website.

On an annual basis, the Code will be publicized and explained to all students and distributed, in writing, to parents and/or guardians of students. A copy of the Code will be filed in each school building, where it will be available for review by any individual upon request. The Board will sponsor an in-service education program 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.

B. Review

The Board of Education will review this Code every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been administered 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 comprise representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before the Board reapproves any updates to the Code, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate. The Code and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.