

Geneseo Central School District CODE OF CONDUCT

TABLE OF CONTENTS

Introduction	1
Definitions	1
Rights and Responsibilities.....	4
Essential Partners	6
Student Dress Code.....	11
Prohibited Student Conduct	12
Reporting Violations of the Code of Conduct	16
Disciplinary Procedures and Penalties.....	17
Alternative Instruction (Tutoring).....	26
Discipline of Students with Disabilities.....	26
Corporal Punishment	33
Student Searches and Interrogations	33
Visitors to Schools	37
Public Conduct on School Property	37
Dissemination and Review	40

Non-discrimination

The Geneseo Central School district hereby advises students, parents, employees and the general public that it offers employment and educational opportunities, without regard to race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability. Inquiries regarding this non-discrimination policy may be directed to the Superintendent of Schools.

INTRODUCTION

The Geneseo Central School (“Board”) of Education 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, parent(s), and other visitors is essential to achieving this goal.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this Code applies to all students, school personnel, parent(s), and other visitors when on school property or attending a school function.

DEFINITIONS

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to bullying, discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function. Since cyberbullying is a form of bullying, the term “bullying” as used in this code will implicitly include cyberbullying even if it is not explicitly stated.

For purposes of this Code, the following definitions apply:

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 (Education Law Section 11[1]).

School Bus means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

School Function means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as

such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section 11[4] and 1125[3]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

Race means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

National Origin means a person's country of birth or ancestor's country of birth.

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

Religion means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

Religious Practice means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times,

displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

Sexual orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

Disruptive student means a student under the age of 21 who is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom. This includes students who are insubordinate.

Parent(s) means the biological, adoptive or foster parent(s), legal guardian, or person in parental relation to a student.

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

- 1) commits or threatens to commit an act of violence upon a school employee.
- 2) commits or threatens 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 the school function.
- 3) possesses and/or displays what appears to be a weapon while on school property or at a school function.
- 4) threatens, while on school property or at a school function, to use a weapon.
- 5) knowingly and intentionally damages or destroys school district property or the personal property of any school employee or any person lawfully on school property or at a school function.

Weapon means a firearm as defined in 18 USC § 921 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 cutters, 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 when used as a weapon.

RIGHTS AND RESPONSIBILITIES

District Responsibilities

The district's responsibility is to safeguard the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

- 1) a safe, healthy, orderly, and civil school environment.
- 2) take part in all district activities on an equal basis regardless of age, race, color, **weight**, national origin, **ethnic group**, religion, **religious practice**, sex, **gender**, sexual orientation or disability.
- 3) present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
- 4) access school rules and, when necessary, receive an explanation of those rules from school personnel.

Students Rights and Responsibilities

With every right comes a responsibility.

It is the student's right:

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 9) To be protected from bullying, intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

It is the student's responsibility:

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another, and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from bullying, intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

ESSENTIAL PARTNERS

Expectations for Parents

- 1) Model appropriate behaviors and abide by the rules for public conduct when participating or attending school sponsored events.
- 2) Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
- 3) Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
- 4) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- 5) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 6) Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District *Code of Conduct*.
- 7) Convey to their children a supportive attitude towards education and the District.
- 8) Build good relationships with teachers, other parents and their children's friends.
- 9) Work with our schools to maintain open and respectful communication.
- 10) Help their children deal effectively with peer pressure.
- 11) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 12) Provide a place for study and ensure homework assignments are completed
- 13) 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.

Expectations for Teachers

- 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/gender identity, or sex,

with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching and concern for student achievement.
- 4) Know school policies and rules, and enforce them in a fair and consistent manner.
- 5) Communicate to students and parents:
 - a. Course objectives and requirements.
 - b. Marking/grading procedures.
 - c. Assignment deadlines.
 - d. Expectations for students.
 - e. Classroom discipline plan.
- 6) Communicate regularly with students, parents and other teachers concerning growth and achievement.
- 7) Maintain confidentiality on matters concerning students, staff, parent(s), etc.
- 8) Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- 9) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 10) Immediately report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC)..

Expectations for School Counselors

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

- 5) Encourage students to benefit from the curriculum and extracurricular programs.
- 6) Maintain confidentiality on matters concerning students, staff, parent(s), etc.
- 7) Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
- 8) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 9) Immediately report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC).

Expectations for Student Support Service Personnel

- 1) Support educational and academic goals.
- 2) Know school rules, abide by them and enforce them in a fair and consistent manner.
- 3) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 4) Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
- 5) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 6) Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
- 7) Regularly review with students their educational progress and career plan.
- 8) Provide information to assist students with career planning.
- 9) Encourage students to benefit from the curriculum and extra-curricular programs.
- 10) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

- 11) Immediately report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC).

Expectations for Other School Staff

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
- 3) Assist in promoting a safe, orderly and stimulating school environment.
- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 6) Immediately report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC).

Expectations for Principals

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- 3) Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
- 4) Support the development of and student participation in appropriate extracurricular activities.
- 5) Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- 6) Maintain and encourage 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

- 7) Follow up on any incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

Expectations for the Superintendent

- 1) Promote a safe, orderly, respectful and stimulating school environment, free from bullying, intimidation, discrimination and harassment, supporting active teaching and learning.
- 2) Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- 3) Inform the School Board about educational trends, including student discipline.
- 4) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- 5) Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and impartially.
- 6) Address all areas of school-related safety concerns.

Board of Education

- 1) Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- 2) Approve and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- 3) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
- 4) Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

Student Use of Personal Electronic Devices in the Middle and High School

Students may bring their own personal electronic devices, including but not limited to, cell phones, iPods, MP3 players, iPads, tablets, or laptops, to school. These devices may be carried with them and used in designated places in the building, including the cafeterias, media centers, and hallways. Students may talk on their phones in the cafeterias, or in the MS/HS office or front foyer with permission. In the classrooms, it is up to the teacher's discretion if s/he wants to allow the electronic device. Students may not use their electronic devices to record a picture, video, or audio of another person

without the person's consent. A violation of this rule may result in a consequence that is in line with GCS's anti-bullying program or could result in legal action against the person who is doing the recording. If a student is using their device in a non-designated area, the consequences will be as follows:

- 1) First Offense – the adult takes the device from the student and it is sent to the office for the student to pick it up at the end of the day. Student will be assigned lunch detention.
- 2) Second Offense – the adult takes the device from the student and it is sent to the office for the parent or guardian to pick it up at the end of the day. Student will be assigned an after school detention.
- 3) Third Offense – the adult takes the device from the student and it is sent to the office and the parent or guardian of the student needs to make arrangements come into the office to speak to an administrator and to pick up the device. The student will be assigned a half day of in school suspension.
- 4) Fourth Offense - the adult takes the device from the student and it is sent to the office and the parent or guardian of the student needs to make arrangements come into the office to speak to an administrator and to pick up the device. The student will no longer be able to bring the device to school and will be assigned a day of in school suspension.

Student Use of Electronic Communication Devices K-5

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

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 parent(s) 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.

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

- 1) be safe, appropriate and not disrupt or interfere with the educational process.
- 2) recognize that extremely short 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 except for a medical or religious purpose.
- 6) not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, 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.
- 8) not distract or go against reasonable health and safety standards.

Each Principal shall be responsible for informing all students and their parent(s) of the Student Dress Code at the beginning of the school year and any revisions to the dress Code made during the school year.

Students who violate the Student Dress Code shall be required to modify their appearance by covering or removing the offending item, and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in school and/or out of school.

PROHIBITED STUDENT CONDUCT

The District Board expects all students to conduct themselves in an appropriate and civil manner per the District Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

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 develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. 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 or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

A. Engage in Conduct That is Disorderly

Examples of disorderly conduct include, but are not limited to:

- 1) Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
- 2) Obstructing vehicular or pedestrian traffic.
- 3) Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 4) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
- 5) Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
- 6) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

B. Engage in Conduct That is Insubordinate

Examples of insubordinate conduct include, but are not limited to:

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other District employees or otherwise demonstrating disrespect.
- 2) Missing or leaving school or class without permission.

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, District administrators or other District employees or otherwise demonstrating disrespect.
- 2) Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

D. Engage in Conduct That is Violent

Examples of violent conduct include, but are not limited to:

- 1) Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other District employee.
- 2) Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
- 3) Engaging in bullying and/or harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- 4) Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
- 5) Displaying what appears to be a weapon.
- 6) Threatening to use any weapon(s).
- 7) Using weapon(s).
- 8) Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.
- 9) Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

E. Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others

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

- 1) Lying, deceiving or giving false information to school personnel.

- 2) Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- 4) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
- 5) Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- 6) Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- 7) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with or is disruptive to the operation of the school and/or learning environment; or infringes upon the general health, safety and welfare of students or employees.
- 8) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- 9) Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- 10) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
- 11) Selling, using, possessing or distributing obscene material.
- 12) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such

drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."

- 13) Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- 14) Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
- 15) Gambling and gaming.
- 16) Inappropriate touching and/or indecent exposure.
- 17) Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
- 18) Violating gender privacy when using school restroom facilities.

F. Engage in Misconduct While on a School Bus

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

G. Engage in Any Form of Academic Misconduct

Examples of academic misconduct include, but are not limited to:

- 1) Plagiarism.
- 2) Cheating.
- 3) Altering records.
- 4) 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.
- 5) Violation of the District Acceptable Use Policy for technology.
- 6) Assisting another student in any of the above actions.

REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any individual observing a student in violation of the Code of Conduct such as possessing a weapon, alcohol or illegal substance on school property or at a school

function shall report this information immediately to teachers, the Building Principals, or the Superintendent.

The appropriate personnel 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.

DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action 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 point of view.
- 4) the student's prior disciplinary record.
- 5) the effectiveness of other forms of discipline.
- 6) information from parent(s), teachers and/or others, as appropriate.
- 7) 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. At 6-12 level this is defined by MS/HS Discipline Code as published annually.

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, a "nexus" hearing may be held to determine discipline, if warranted, and shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability. (Please see section X – Discipline of Students with Disabilities) In all cases confidentiality of students will be maintained.

A. Penalties

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

- 1) verbal warning – any member of the district staff.
- 2) written warning – bus drivers, hall and lunch monitors, teachers, Principals, Superintendent.
- 3) written notification to parent(s) – bus driver, hall and lunch monitors, teachers, Principals, Superintendent.
- 4) detention – teachers, Principals, Superintendent.
- 5) suspension from transportation – Principals, Superintendent.
- 6) suspension from -- social and school-sponsored activities -- Principals, Superintendent.
- 7) suspension of other privileges – Principals, Superintendent
- 8) in-school suspension – Principal, Superintendent.
- 9) removal from classroom by teacher – teachers, Principals, Superintendent
- 10) short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education.
- 11) long-term (more than five days) suspension from school – Principal, Superintendent, Board of Education.
- 12) permanent suspension from school – Superintendent, Board of Education.
- 13) referral to any of the following committee, agency or program: counselor, CSE, PST, LCCASA, Social Services, Child Advocacy, Mental Health and any other appropriate agency or program.

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.

1) Detention

Teachers, Principals, and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student's parent(s) has been notified (K-8) of the behavior and the consequence and 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. In such cases, the student's parent(s) will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference with the building Principal to discuss the conduct and the consequence involved.

3) Suspension from School-Sponsored Activities

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct, the consequence involved, and the process of possible reinstatement of the privilege. (Athletes will be subject to Athletic Code).

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. "In-school suspension" is the temporary removal of students from the classroom and their placement in another area 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(s) will be provided with a reasonable opportunity for an informal conference.

5) Teacher Removal of Disruptive Students

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

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.

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/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 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 is not in the building, the teacher must leave the form with the secretary and meet with the Principal prior to the beginning of classes on the next school day.

Within one school day (24 hours) after the student's removal, the teacher must call home and state the reasons for removal and inform the parent(s) of their right to an informal conference. The Principal or another district administrator designated by the Principal must notify in writing the student's parent(s) that the student has been removed from class and why. The notice must also inform the parent(s) that he or she has the right upon request to meet informally with the Principal and the teacher 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 by the day after the student's removal at the last known address for the parent(s).

If at the informal meeting the student denies the charges, the teacher and the Principal or the Principal's designee, must explain why the student was removed and give the student and the student's parent(s) 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 (72 hours). The timing of the informal meeting may be extended by mutual agreement of the parent(s), teacher, 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:

- a. the charges against the student are not supported by substantial evidence.
- b. the student's removal is otherwise in violation of law.
- c. 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 after 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 in an alternate site and activities until he or she is permitted to return to the classroom. The teacher will provide the materials for continued educational programs and activities.

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 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.

Nothing in this section of the Code of Conduct 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 become a substitute for 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.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. 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 and given to the building Principal no later than the end of the day 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 (five 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 for the basis for the proposed suspension. The suspending authority must also notify the student’s parent(s) in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent(s). Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent(s).

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(s) 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 parent(s). At the conference, the parent(s) 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 parent(s) in writing of his/her decision. The Principal shall advise the parent(s) that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent of Schools within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent of Schools shall advise the parent(s) that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk 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 five days) Suspension from School

When the Superintendent or building Principal determines that a suspension for more than 5 days may be warranted, he or she shall give reasonable notice to the student and the student's parent(s) 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/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/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 10 business days of the date of the Superintendent's decision, unless the parent(s) 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.

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 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 consequence, 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 parent(s), teachers, and/or others.
- f. other extenuating circumstances.

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not 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.

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for Juvenile Offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on school grounds (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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 who is found to have committed a violent act, other than bringing a weapon into 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(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying the consequence, a one-year suspension for possessing a weapon. A student with a disability who is found committing a violent act is subject to the same disciplinary penalties but the due process must be followed including a nexus hearing.

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

Any student, other than a student with a disability, who engages in conduct which results in the student being **removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school for at least five days.** If the proposed penalty is the minimum five-day suspension, the student and the student's parent(s) 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(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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 and in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
- d. knowingly and unlawfully possess any other unlawful, illegal substance will be 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.

ALTERNATIVE INSTRUCTION (Tutoring)

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the district will take immediate steps to provide alternative means of instruction for the student. The teacher will provide material and activities for the continuing education program. In addition, any student over the compulsory attendance age, and has been suspended and presents a sincere desire to complete his/her high school education may be eligible for alternative education.

DISCIPLINE OF STUDENS 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 of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students With Disabilities

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

- a. A “suspension” means a suspension pursuant to Education Law § 3214.
- b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement to an interim alternative educational setting (IAES) ordered by a hearing officer because the student poses a risk of harm to himself/herself or others.
- c. 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 occurred. This enables the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP). This further enables 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 personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:

- a. 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 setting. This suspension can not exceed five consecutive school days and can not exceed the amount of time a non-disabled 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, or another setting. A suspension may last 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, this suspension or removal can not exceed the amount of time non-disabled 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. This time can not exceed more than 45 days; if the student carries or possesses a weapon to school or to a school function; knowingly possesses or has used illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.
 - i. “Weapon” means a firearm as defined in 18 USC§ 921 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 cutters, 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 when used as a weapon.
 - ii. “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.
 - iii. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority `under the Controlled Substances Act or any other federal law.
- e. 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

1) A disciplinary change in placement means a suspension or removal from a student' 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 culminate 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 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 suspensions 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 or 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.
 - i. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his other 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

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 parent(s) 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 parent(s) 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 parent(s) 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 policy.
- 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 tendency 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(s) 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.
 - i. 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 parent(s) and district agree otherwise.
 - ii. 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 or she must mail a written decision to the district and the parent(s) 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 may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

- 2) The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

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, power, 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 the Commissioner's Regulations.

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(s) before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent and building administrators 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. Dogs may be used as a precaution to search for illegal substances and to promote safety.

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:

- 1) they have previously supplied information that was accurate and verified.
- 2) they make an admission against their own interest.
- 3) they provide the same information that is received independently from other sources.
- 4) 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 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 the student(s) voluntarily consents 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. Searches

1) Student Lockers, Desks, and Other School Storage Places

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

2) 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. 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 violation of law or the district 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(s) by telephone before conducting a strip search, or in writing after the fact if the parent(s) could not be reached by telephone.

B. Documentation of Searches

The Superintendent or an administrator 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/her title and position.
- 7) witnesses, if any, 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 Superintendent or an administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The Superintendent or an administrator shall retain control of the items, unless the items are turned over to the police. The Superintendent or an administrator 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 been invited or given permission by the Superintendent or an administrator.

Before police officials are permitted to question or search any student, the Superintendent or an administrator shall first try to notify the student's parent(s) to give the parent(s) the opportunity to be present during the police questioning or search. If the student's parent(s) cannot be contacted prior to the police questioning or search, no questioning or search will take place until which time the parent(s) can be present or give consent. The Superintendent or an administrator 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 any 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 Superintendent or building administrator. The Superintendent or building administrator shall set the time and place of the interview. The Superintendent or building administrator 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 appropriate 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 school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order. If the worker believes the student would be subject to imminent danger or abuse, the worker may remove the student without a court order and without the parent(s) consent. This must be approved by the Superintendent.

VISITORS TO THE SCHOOLS

The Board encourages parent(s) and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building Principal 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) persons who are not regular staff members or students of the school will be considered a "visitor".
- 2) all visitors to the Elementary School must sign in at the Main (front) Entrance to the K-12 Building and then report to the Elementary Office 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. This includes visitors to the cafeteria during elementary student lunch. All visitors must sign out when leaving the building.
- 3) All visitors to the MS/HS must sign in at the Main (front) Entrance and wear a visitor identification tag while in the building. All visitors must sign out when leaving the building.
- 4) visitors attending school functions that are open to the public; such as parent-teacher organization meetings or public gatherings, are not required to register.
- 5) parent(s) or citizens who wish to visit or 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.
- 6) teachers are expected not to take class time to discuss individual matters with visitors.
- 7) 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.
- 8) all visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

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.

To ensure safety and monitor conduct, surveillance cameras are located outside and inside District buildings. These cameras are intended to increase safety in all District facilities.

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 district property.
- 3) disrupt the orderly conduct of classes, school programs, or other school activities.
- 4) distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- 5) intimidate, harass, or discriminate against any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.
- 6) enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- 7) laser pointers are not permitted in school.

- 8) obstruct the free movement of any person in any place to which this Code applies.
- 9) violate the traffic laws, parking regulations, or other restrictions on vehicles;
- 10) possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, tobacco or be under the influence of such on school property or at a school function.
- 11) 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 school district.
- 12) loiter on or about school property.
- 13) gamble on school property or at school functions.
- 14) refuse to comply with any lawful order of identifiable school district officials performing their duties.
- 15) willfully incite others to commit any of the acts prohibited by this Code.
- 16) 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 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 of Conduct, 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 section 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 section 75. They shall be subject to immediate

ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.

- 5) **Staff members** other than those described in subdivisions 3 and 4. 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

- 1) The Superintendent shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate the other district staff who are authorized to take action consistent with the Code.
- 2) When the Superintendent or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgement 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 attempt to persuade 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 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.
- 3) 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.

DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct 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 school assembly held at the beginning of each school year.
- 3) Making copies of the Code available to all parents at the beginning of the school year.
- 4) Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.

- 5) 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.
- 6) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 7) Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

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

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

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

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.