

SEWANHAKA
CENTRAL HIGH SCHOOL
DISTRICT
CODE OF CONDUCT

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SEWANHAKA CENTRAL HIGH SCHOOL DISTRICT

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BOARD POLICY

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SUBJECT: Code of Conduct

I. Introduction

In accordance with the requirements of Part 100 of the Commissioner's Regulations, this and other related policies referenced below have been developed in consultation with the teachers, administrators, other school service professionals, students and parents. These policies shall be reviewed by the Board of Education annually at its reorganization meeting each July.

Effective school discipline is an integral part of the learning environment. Because disruptive behavior deprives students of their right to learn in a conducive atmosphere, such behavior shall not be tolerated in the schools of the Sewanhaka Central High School District. Equally important is ensuring that the school environment is safe and free from disruption or inappropriate interference from staff, parents, or other visitors.

It is the Board's belief that each student should be treated as a person who can reasonably be expected to be responsible for his own behavior. Students shall respect duly constituted authority. This includes conformity to school rules and regulations and to those provisions of law which apply to the conduct of minors.

Students who cannot accept this responsibility and violate school rules will be required to accept the penalties of more regulated supervision.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use all their resources to create a change of behavior in the classroom. When the teacher has made every reasonable effort to bring about positive behavioral change, and has been unsuccessful, the student's problem will be referred to the department chairperson. Should the inappropriate or disruptive behavior continue, the student shall be referred to the attention of the assistant principal by the chairperson. The assistant principal will contact parents as soon as possible.

It is understood that major disciplinary problems call for the direct involvement of the assistant principal. Offending students should be sent to the assistant principal's office; the teacher will fill out the referral form as soon as is practical.

Disciplinary action, when necessary, will be firm, fair and consistent in order to be most effective in changing behavior. Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

The Superintendent shall promulgate such additional administrative regulations as may be necessary to effectuate this and other related policies.

II. Definitions

For purposes of this code, the following definitions apply.

"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.

"Disruptive student" means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority

over the classroom.

"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 9(b) of article 5 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.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"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.

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

"School Bus" means every motor vehicle owned by a public or governmental agency or private school 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 §11[1] and Vehicle and Traffic Law §142).

"School property" means in or within any building, structure, athletic playing field, parking lot or land contained within the real property boundary line of a

public school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extra-curricular event or activity.

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

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

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

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

III. Student Rights and Responsibilities

Within the Save Legislation adopted by the New York State

Legislature is the requirement that every school District adopt and implement a written policy on school conduct and discipline. The purpose of the policy is to promote a safe, healthy, orderly and civil school environment.

This document will serve as the Code of Conduct for all schools of the District. More detailed rules are set forth in related District Board policies and administrative regulations of the Superintendent of Schools. What is emphasized is the need for involvement by all concerned with the education of the youth of the communities that make up this District.

Rights do mandate responsibilities for all. To treat each person with respect and dignity is the objective of all school discipline policies. Self-discipline is stressed in today's society for persons in all age groups. Together, all members of the school society can achieve personal and common goals by maintaining a sense of respect for one another's rights.

THE RIGHT TO AN EDUCATION AND TO TAKE PART IN ACTIVITIES

Because education today not only provides personal fulfillment, but is perceived as the only means of gaining economic and social mobility, the most basic "student right" is the right to a free education. The right to an education is guaranteed to all children. Gifted, regular and mentally and physically disabled children are provided with an education appropriate to their needs. No student shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any educational program or activity on the basis of race, color, creed, sex, sexual orientation, religion, national origin, age, weight or disability, see

Board Policy and Administrative Regulations, Community Relations 1160, "Prohibition Against Sex Discrimination"

Board Policy and Administrative Regulations, Community Relations 1170, "Ensuring Non-Discrimination Against Persons With Disabilities"

Board Policy and Administrative Regulations, Students 5020.2, "Harassment, Discrimination and Bullying"

Board Policy, Administration 2315, "Elimination of Academic, Extra-Curricular and Business Operation Sex Bias"

Board Policy, Administration 2316, "Elimination of Vocational Sex Bias"

Although a child may be compelled to go to school until the end of the school year in which he/she turns 16 years of age, students have the right to attend school until the year they turn 21 or until graduation.

STUDENT GOVERNMENT

Elected student governments have traditionally symbolized democratic principles at work in our schools. The essential principal of democratic student government is the eligibility of every student to vote and to hold office. The right to vote and hold office is not contingent upon race, sex, disability, ethnic background, religion, beliefs, disciplinary record, achievement, evaluation of ability, or payment of student fees. It is important for students to recognize that with the right to vote goes the responsibility to exercise that right.

Use of student activity funds is governed by the Extra Classroom Activities Handbook as required by Part 172 of the Commissioner's Regulations. Leftover funds of graduating classes or discontinued activities revert to the account of the Student Activity Fund - Building or Student Council/Government.

Class reunion accounts will not be maintained by the District or be established by class officers. Student Activity Treasurers are to sign off with the finance clerk on a monthly basis verifying the monthly cash balance. It is the responsibility of the activity treasurer to inform the other activity officers of the monthly balance. It is important that class advisors review the monthly balance with the activity treasurer to insure a minimal cash balance at graduation. If possible, class dues, prom bids and yearbook costs should be reduced. On or about March 1st, if there will be a projected surplus in the class account, the senior class, in consultation with the class advisor, should vote as to the disposition of these funds. Building principals shall insure that the senior class is advised that the initial determination of how leftover funds are to be used rests with the students themselves, subject to approval by the Board.

Fund raising activities are to be utilized for the sole purpose of establishing a cash balance necessary to meet financial obligations of each activity, and not to serve nor maintain an excessive fund balance.

NEWSPAPER

Official school publications such as school newspapers should reflect the policy and judgment of the student editors. Students have the responsibility to refrain from libel and obscenity, and to observe the normal rules for responsible journalism. School authorities may prohibit dissemination of student originated material when such material would materially interfere or substantially disrupt the educative process or intrude upon the rights of others. Within these bounds, student papers are as free as other newspapers to report the news and to write editorials and opinion columns. Student publications produced as part of a classroom activity of journalism/writing may be edited for student speech which is not consistent with the school's "basic educational mission" (See Board Policy Student 5135, "Student Publications and Communications".)

CLUBS AND ATHLETICS

All students have a right to take part in the extra and co-curricular activities offered in the school. Student organizations should not restrict membership on the basis of race, sex, national origin, disability, or any other arbitrary criteria. They may establish reasonable membership criteria if these are equally applied to all applicants, such as requiring all French Club members to speak French.

Students are reminded that they are subject to the Extra-Curricular Academic Policy of the District. The policy is to ensure the academic success of the student and not the "success" of a team or a club. (See Board Policy Students 5123, "Maturity and Fitness Standards for Interscholastic Athletic Team Membership"; Board Policy and Administrative Regulation, Student 5140, See "Academic Requirements for Participation in Extra-Curricular Activities"; Board Policy, Students 5141, "Medical Approval for Participation in Extra-Curricular Athletic Activities".)

STUDENT DRESS CODE

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments 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, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

STUDENT SPEECH

Freedom of speech is a right that belongs to all Americans. This doesn't guarantee, however, the right to interfere with the orderly conduct of classes, the right to coerce others to participate in a particular mode of expression or to violate the rights of those who disagree with a given point of view. Responsible speech must respect the rights of others. Speech which materially interferes with the educational process is prohibited, including the use of obscene, profane language or gestures.

SCHOOLS COMMUNICATION RESOURCES

Appropriate student club access to equipment and materials for disseminating announcements and information includes use of bulletin boards; announcements on the school public address system; and use of school duplicating equipment subject to reasonable limitations of expense. Regulations as to the manner, time, and place for using school communications facilities are obviously subject to certain operational priorities. Recommendations as to general use beyond these requirements can be established effectively through cooperation of students, faculty and administrators.

STUDENT RECORD FILE

Permanent record files are intended to provide information which can be used to develop the best possible educational program for each student.

A parent or legal guardian is entitled to inspect the student record file, and not merely to have items selected and read by school officials. At the time of such inspection, it is advisable that appropriate school personnel be present to prevent misinterpretations of the record, and to answer questions. Access to both permanent and temporary record files are limited to the student, his parents (only until the student reaches age eighteen) or legal guardian, and school personnel, except when the student gives written permission to allow access to other personnel or when courts subpoena such records. All records should be open to challenge by the student and/or his/her parents or legal guardian, but this right of question does not, per se, imply an obligation upon school personnel to make changes in the records.

Information subject to change is not permanently recorded in the student's permanent record file and is recorded in a temporary file, which is destroyed shortly after the student leaves the school.

See - Board Policy, Student 5591, "Family Educational Rights and Privacy Act".

DISCIPLINE

A Uniform Code Conduct and Range of Penalties are stated in writing. These are reviewed each year with student body and professional staff.

The standards of conduct which are established do not infringe upon the constitutional rights of the students. They forbid injury to persons or property and interference with the learning process, but need not prescribe school discipline for offenses committed within the school which are already adequately provided for by criminal law, unless the presence of the student in school would constitute a danger to the student him/herself, to other members of the school community, or to the continuation of the educative process.

SUSPENSION

A student is entitled by law to a free secondary education until the student graduates or reaches the age of 21. The right is contingent upon the student's fulfilling the responsibility to attempt to complete the academic program and obey school rules. A student who does not fulfill these responsibilities may be denied the right to continue in school. If the student is under the compulsory attendance age, the Board of Education must provide alternative instruction. The Board of Education is not required to provide alternative instruction for a suspended student who is over the compulsory age unless the student has been designated by the Committee on Special Education as having a disability.

Generally, disciplinary problems are preferably handled by the faculty, with the principal dealing with chronic disciplinary problems or the more serious disciplinary problems which could result in suspension. Students have the right to present their version of the relevant events to school personnel

authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

The following students may be suspended from required attendance, according to Section 3214 of the Education Law:

..a student who is insubordinate or disorderly, or violent or disruptive or whose conduct otherwise endangers the safety, morals, health and welfare of others;

A teacher, guidance counselor, or an assistant principal may not suspend a student. The assistant principal may recommend suspension for a student and a student has a right to an informal conference with the principal. The principal may suspend a student for a period not to exceed 5 school days.

No student may be suspended for a period in excess of 5 school days unless the student and the person in parental relation to the student have had an opportunity for a hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on his/her own behalf, and the right to cross-examine witnesses. Any student under the compulsory school age shall be provided with suitable alternate instruction during his/her suspension. Special education students over 16 must be provided with alternative instruction if the suspension exceeds 10 days.

If the student is not absolved of the charged acts of misconduct, the student may appeal the findings and determination of the Superintendent to the Board of Education within 30 calendar days. Where the Board of Education has, itself, made the determination or has, on appeal, affirmed the determination of its Superintendent, a student may further appeal either to the Commissioner of Education in accordance with the provisions of Section 310 of the Education law or to the courts pursuant to Article 78 of the Civil Practice Law and Rules.

SEARCH BY SCHOOL PERSONNEL

Persons

When school officials have reasonable grounds to believe that weapons, drugs, liquor, stolen property, etc., or other evidence of a violation of law or school rules are secreted on a student's person, they may act upon that suspicion and search the student without the student's consent. Students will first be asked to empty their pockets and other personal possessions. Resulting evidence may be used in connection with the student's disciplinary hearing. Parents will be notified of any search.

When the school officials have reasonable grounds to believe that something of an illegal nature may be occurring on school property, school officials have the responsibility of ascertaining the truth of such information.

The right to counsel, and the constitutional warning prior to the admissibility of a confession are inapplicable to searches by school officials. Strip searches are prohibited. If a clear and imminent danger to health or safety is present, police should be summoned. Whenever a school official reports a crime committed by a child with a disability as defined by the IDEA, copies of the special education and disciplinary records of the student must be transmitted for consideration to the appropriate authorities.

Overnight Activities

On any school sponsored overnight field trips, sporting event or other extracurricular activity the District shall require administrative inspections of luggage and personal property prior to departure. These searches shall be conducted without particularized suspicion of the violation of a school rule. These searches shall be made of all students participating in the event. Prior to departure, parents shall be required to execute a written parental permission slip which shall include a paragraph informing the parent of the District's luggage search policy. Parents will be informed of the opportunity to be present at the time of departure.

Lockers and other School District Property

The assignment to, and the use of, student lockers, desks, District computers and/or portable computing devices and other such property, by any student is upon the condition, which is to be made known to and accepted by such student at the time of assignment, that it remains under the control of the administrators and/or custodial staff of the building and is subject to the right of entry thereto and periodic administrative inspection at any time. Building principals will conduct periodic unannounced inspections for administrative purposes (i.e. to assure that hazardous or dangerous materials or substances are not present). The District exercises exclusive control over school property and students should not expect privacy with respect to items placed therein.

The student's primary responsibility in regard to searches and seizures is to be familiar with and abide by the school's standards of conduct.

See - Board Policy, Students 5530, "Search and Seizure";
Board Policy, Students 5580, "Alcohol Drug/Substance Abuse"
Board Policy and Administrative Regulation, Students 6105, Internet and Instructional Technology Acceptable Use for Students
Board Policy, Students 6106, Student Use of Personal Electronic Devices

Automobiles

The use of a District parking lot is a privilege and not a right. The District retains the authority to monitor and control the activities taking place on school property. As such, the District has the authority to conduct a search of a student's automobile when it has reasonable suspicion to believe illegal or unauthorized materials are contained inside. These inspections may be performed by authorized District personnel without notice, student consent or a search warrant. Any student who denies access to the interior of his/her automobile will be subject to disciplinary action including but not limited to a permanent revocation of parking privileges.

POLICE IN THE SCHOOLS

Police can enter schools if a crime has been committed, if they have a warrant for arrest or search, or if they have been invited by school officials. The police may search a student, or his/her locker, if they have valid warrant to do so, or if they have "probable cause" to believe that the student is in possession of contraband.

In the absence of a warrant or probable cause for suspicion, police authorities have no right to interview students in the school building, or to use the school facilities in connection with official police work, nor does the Board of Education have any obligation to make students available to the police. If police wish to speak to a student in the absence of a warrant or probable cause for suspicion, they should take the matter up directly with the student's parents (Formal Opinion of Counsel No. 67, New York State Education Department, March 7, 1952; 1 Ed. Dept. Rep. 766).

When police are permitted to interview students in school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

Teachers and administrators have the responsibility to maintain effective communications with the student body. Good communications can often forestall or resolve a problem before it becomes necessary to involve police authorities.

Whenever a school official reports a crime committed by a child with a disability as defined by the IDEA, copies of the special education and disciplinary records of the student must be transmitted for consideration by the appropriate authorities.

See - Board Policy and Administrative Regulation, Students 5510, "Pupil and Police Action".

GRIEVANCE AND APPEALS

A grievance is simply any situation occurring in the course

of the school's operation which causes students to consider themselves aggrieved. Students should be encouraged to discuss their grievances informally with the persons involved, prior to invoking formal grievance procedures.

Sewanhaka Central High School District grievance procedures function as follows:

The first step involves submission of a grievance in writing to the principal, unless the grievance directly involves the principal or one of his/her policies, in which case the student might wish to file his/her grievance with the Superintendent of Schools. When a grievance is filed with the principal, he/she would call a meeting of personnel appropriate to the grievance, with student and staff representation permitted. The principal is expected to resolve the matter equitably within ten school days following the meeting and to communicate his/her decision in writing to all parties to the grievance. Failure on the part of the principal either to call a meeting or to render a decision within ten school days constitutes the basis for an automatic appeal to the Superintendent of Schools.

If the student is dissatisfied with the determination of the Superintendent he/she can appeal to the Board of Education.

Students who believe that they have been the victim of discrimination on the basis of sex or disability should refer specifically to the complaint procedures set forth in Board Policy and Administrative Regulations, Community Relations 1160, "Prohibition Against Sex Discrimination" or Board Policy and Administrative Regulations Community, Relations 1170, "Ensuring Non-Discrimination Against Persons With Disabilities".

COUNSELING

Concerning Careers and Academics

An annual review of each student's educational and career plans, either individually or in small groups shall be conducted each year.

Concerning Marriage, Pregnancy and Parenthood

The opportunity to participate in all the activities of the

school is not restricted or denied solely because of marriage, pregnancy or parenthood. If a student so desires, he or she may return to the school previously attended after the birth of his or her child.

Students have access to counselors who are qualified to provide objective information to students concerning pregnancy and marriage.

Concerning Other Personal Problems - Drugs, etc.

Personal concerns such as drug problems and sexually transmitted disease can seriously threaten the educational as well as the personal development of high school students. The schools do make relevant and objective information concerning such problems available to students, and refer students seeking help with severe personal problems to individuals or agencies capable of providing direct assistance. In order to encourage students to come forward with problems, the Board of Education reaffirms its policy of confidentiality concerning such requests. Confidentiality cannot be maintained where the health, safety, or welfare of a student or another is in danger.

GRADES

Students have a right to receive grades that reflect academic performance. Grades may not be lowered based upon disciplinary infractions such as cutting as long as requirements for a course are met. Since what is important academically is the student's presence and participation in classroom instruction, illegal absences cannot be treated any differently from legal absences for purposes of "make-ups". If "make-ups" are required for class cutting, they must also be required for "legal" absences.

ACCESS OF OUTSIDE MEDIA TO SCHOOLS

All requests from outside media for information or interviews are to be referred to the office of the Superintendent of Schools. Interviews of students under the age of eighteen or use of the name of such a student can only be permitted with parental consent. Information concerning an individual student's school record or performance shall not be divulged except as authorized by Board Policy, Students 5591, "Family Educational Rights and Privacy Act."

SUMMARY

The Sewanhaka Central High School District believes that students have the right regardless of race, color, creed, sex, sexual orientation, gender, gender identity, religion, national origin, age, weight or disability to take part in a strong academic educational program.

On the other hand, all District students have the responsibility to:

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

IV. Essential Partners

The Sewanhaka Central High School District believes there are eight essential partners for providing a safe and orderly learning environment where all students can learn and grow to their fullest potential.

These partners specifically include parents, teachers, pupil personnel service providers, dignity act coordinators, Principals, the Superintendent, the Board of Education and other personnel. Listed below are the rights and responsibilities as well as the District expectations for each partner.

1. Parents

All parents are expected to:

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

2. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

- disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
 3. Demonstrate interest in teaching and concern for student achievement.
 4. Know school policies and rules and enforce them in a fair and consistent manner.
 5. Maintain confidentiality in conformity with federal and state law.
 6. Communicate to students and parents:
 1. Course objectives and requirements
 2. Marking/grading procedures
 3. Assignment deadlines
 4. Expectations for students
 5. Classroom discipline plan
 7. Communicate with students, parents, and other teachers concerning growth and achievement.
 8. Participate in school-wide efforts to provide adequate supervision in all school space.
 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

3. Pupil Personnel Service Providers

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.

5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist student with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

4. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the Code of Conduct.
4. Help students understand the District's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

5. Principals/Administrators

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

learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and approach the principal/administrators for redress of grievances.
 3. Maintain confidentiality in accordance with federal and state law.
 4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
 5. Support the development of and student participation in appropriate extracurricular activities.
 6. Provide support in the development of the Code of Conduct, when called upon. Disseminate the Code of Conduct and anti-harassment policies.
 7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
 8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students and staff.
6. The Dignity Act Coordinators - The name and contact information of each school's designated Dignity Act Coordinator can be found in Administrative Regulation 5020.2. Each Dignity Act Coordinator is expected to:
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
 2. Oversee and coordinate the work of the District-

- wide and building-level bullying committees.
3. Identify curricular resources that support infusing civility in classroom instruction and provide guidance to staff as to how to access and implement those resources.
 4. Coordinate, with the Professional Development Committee, training in support of the Bullying Prevention Committee.
 5. Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.
 6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 7. Address personal biases that may prevent equal treatment of all students and staff.

7. Superintendent

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

or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

9. Address personal biases that may prevent equal treatment of all students and staff.

8. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
5. Adopt and review at least once a year the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

V. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper

regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

1. Engage in conduct that is disorderly. Examples of disorderly conduct include:
 1. Intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by:
 1. Making unreasonable noise
 2. Using abusive or obscene language or gestures
 3. Inappropriate public sexual contact
 4. Intentionally damaging or destroying the personal property of another student or District employee or any person lawfully on school property
 5. Intentionally damaging or destroying school district property, including graffiti or arson
 6. Disturbing any lawful assembly or meeting of

persons

7. Obstructing vehicular or pedestrian traffic,
8. Engaging in any willful act which disrupts the normal operation of the school community
9. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building
10. Misusing computer/electronic communications including any unauthorized use of computers, software, or internet/intranet account; creating or accessing inappropriate websites; or; any other violation of Board of Education Policy and Administrative Regulation 6105 (Acceptable Use Policy).
11. Misusing Personal Electronic devices (PEDs). Possessing and using laser pointers is prohibited. Students may possess and use other PEDs consistent with Board Policy and Administrative Regulation 6106 and according to the following guidelines:
 - a. Students may only use PEDs in academic settings (i.e. classrooms, library) for educational purposes with teacher permission. Such use shall not be disruptive to other students and/or the educational process.
 - b. Students may use PEDs in extra-curricular settings with permission of the supervisor/advisor/chaperone.
 - c. Students may use PEDs in non-academic areas (i.e. cafeteria, hallway) as long as it does not interfere with the learning process of themselves or others, or present a safety issue or disruption to the running of the school program. The Principal or his/her designee reserves the right to prohibit use as needed for reasons such as but not limited to safety, communication, disruption, etc. Students are not permitted to use earphones of any kind in hallways.
 - d. Students may not use the camera feature

of any device to capture, record, or transmit audio, video, or still photos of other students, faculty, or staff without explicit permission given by the subject of the photo, video, audio recording.

e. Misuse of PEDs by students is subject to discipline by school staff as per the Code of Conduct.

f. Where permitted, use of PEDs is at the parent's/student's own risk. The school shall not be responsible for loss, theft, or damage to the devices. This includes those placed in lockers.

12. Engaging in activities under the school's jurisdiction relating to membership in a prohibited fraternity, sorority or other secret society. This includes but is not limited to initiation activities, and the wearing of fraternity/sorority colors or paraphernalia

2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

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

3. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Any behavior which adversely interrupts the education process.

4. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting,

- spitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
5. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include:
1. Lying to school personnel
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability as a basis for treating another in a negative manner or to deny rights, equitable treatment or access to facilities available to others.
 5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment. (See Policy 5020.2: HARASSMENT, DISCRIMINATION, AND BULLYING for a more complete definition and explanation of the Dignity for All Students Act.)
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily

- harm.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression. (See Policy 5020.2: HARASSMENT, DISCRIMINATION, AND BULLYING for a more complete definition.)
 8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. (See Policy 5020.2: HARASSMENT, DISCRIMINATION, AND BULLYING for a more complete definition.)
 9. Selling, using or possessing obscene material.
 10. Using vulgar or abusive language, cursing or swearing.
 11. Smoking a cigarette, cigar, pipe, e-cigarette, vaporizer pipes/pens, and/or hookah pipes/pens, or using chewing or smokeless tobacco.
 12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances, or synthetic cannabinoids, or being under the influence of such. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, Ecstasy, amphetamines, heroin, steroids, imitation or look-alike drugs, and any substances commonly referred to as "designer drugs".
 13. Possession of drug and/or smoking paraphernalia, including, but not limited to, e-cigarettes, vaporizer pipes/pens, hookah pipes/pens, bong, grinders, snorters, rolling papers, scales, cigarette lighters, glassine bags or bags used for packaging and/or distribution of drugs.
 14. Inappropriately using or sharing prescription and over-the-counter drugs.
 15. Illegal gambling.
 16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 17. Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 18. Possession, sale or use of fireworks or noxious materials.

6. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
7. Engage in any form of academic misconduct. Examples of academic misconduct include:
 1. Plagiarism;
 2. Cheating;
 3. Copying;
 4. Altering records;
 5. Assisting another student in any of the above actions.
8. Engaging in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
 1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
 2. Threatening or harassing students or school personnel over the phone or other electronic medium.
 - 3.

VI. Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the assistant principal or principal. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, guidance counselor, the assistant principal or the principal.

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

so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or assistant principal must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or assistant principal learns of the violation. The notification may be made in person or by telephone. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

VII. Procedures and Referrals

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

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

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

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

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

1. 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. 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, coaches, guidance counselors, teachers, assistant principal, principal.
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal.
4. Detention - teachers, assistant principal, principal.
5. Suspension from transportation - director of transportation, assistant principal, principal.
6. Suspension from athletic participation, extra curricular activities and other privileges - coach, advisor, director of student activities, athletic director, assistant principal, principal.
7. In-school suspension - principal.
8. Removal from class - teacher, principal.
9. Suspension from school - principal, Superintendent.
10. Referral to police - principal, Superintendent.

2. Discipline Procedures

It is the responsibility of teachers to establish discipline in their classrooms. The District recognizes that positive student behavior is the result of cooperative efforts of teachers and administrators. The District will follow a graduated approach in dealing with disciplinary infractions. The following guidelines and assumptions should be used in Section I determining the appropriate level of involvement by various staff members:

SECTION I - POLICY

1. Referral and removal forms will be used in each school and it will be available in an office designated by the principal.
2. Building level reactions to disciplinary infractions will place responsibility upon the teacher, the chairperson, Dean and the counselor. An administrator may become involved in the disciplinary process at various stages. Parental contact must be established and maintained at all of these levels. An emphasis will be placed on involving parents in seeking solutions.
3. The principal shall be responsible for informing teachers and students of procedures to be followed.

SECTION II - PROCEDURES

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

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

1. Detention

Teachers, chairpersons, assistant principal and the principal may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the 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 the event of a disciplinary referral the appropriate assistant principal or principal shall be notified. Parents shall also be notified. Where the student involved is under the jurisdiction of the Committee on Special Education or is suspected or known to be under a disability the District's Assistant Superintendent for Pupil Personnel and Special Education shall be contacted. Students with disabilities shall not be recommended for discipline unless they are capable of understanding the nature of the offense and benefitting from the disciplinary experience. However, when a student engages in actions deemed potentially dangerous while being transported, the District is obligated to temporarily remove the student from the bus. The Supervisor of Transportation shall consult with the Assistant Superintendent for Pupil Personnel and Special Education or his/her designee regarding the student's disability and its influence on the behavior. If the behavior is disruptive to the extent that the safety of the bus and its occupants are jeopardized, the student's bus riding privileges may be interrupted. The Supervisor of Transportation shall notify the parent and the school of the action. When the referral involves students with disabilities the

Assistant Superintendent for Pupil Personnel and Special Education or his/her designee shall contact the school staff regarding possible remedies to alter the behavior. The student may attend school during the period of bus transportation suspension if the parent can provide alternative transportation.

In the event that the alleged infractions warrant an interruption of transportation privileges immediate notice of the same shall be provided to the child's parent. Parents shall be advised of the specific reasons for the interruption and of their right to a conference. The purpose of the conference shall be to determine the facts and take appropriate corrective actions.

Parents, students and appropriate personnel from the transportation carriers shall be required to attend. (Special Education students may be excused from attendance where appropriate). Parents shall be afforded the opportunity to question all present concerning the circumstances underlying the referral.

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

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

4. In-school suspension

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

A student subject to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent

will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

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

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

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

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an

explanation for why he or she is being removed. Only after the informal discussion may a teacher remove a student from class.

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

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

Within 24 hours after the student's removal, the principal or assistant principal designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the assistant principal to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may request the teacher who ordered the removal to attend the referral conference.

If at the informal meeting the student denies the charges, the principal or assistant principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or the assistant principal may overturn the removal of the student from class in the event of the following:

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

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

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

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

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

6. Suspension from school

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

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

Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal 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 as soon as possible by the staff member recommending the suspension.

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

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

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

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

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the board of

education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

The Superintendent shall 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 or digital recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the District Clerk within 30 days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the Superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

3. 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 penalty, the Superintendent may consider the following:

1. the student's age;
2. the student's grade in school;
3. the student's prior disciplinary record;
4. the Superintendent's belief that other forms of discipline may be more effective;
5. input from parents, teachers and/or others;and/or
6. other extenuating circumstances.

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

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

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

If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students

subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) "Teacher removal of a disruptive pupil" and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

4. *The following offenses will result in a five-day suspension and immediate mandatory referral to the Superintendent:*

Arson - Deliberately lighting a fire on school property.

Assault - An attack on another person either resulting in physical injury or intended to result in serious physical injury.

Bomb Threat - The threat of blowing up the school.

Drug and/or Alcohol Possession/Use -
The possession, use or being under the influence of alcohol, drugs or other illegal substances including a controlled substance on school grounds or at school functions, or off school grounds at school sponsored functions or activities.

Drug Sale -
When a student sells, exchanges, gives or disburses alcohol, drugs or other illegal substances including a controlled substance to another, or offers or agrees to do the same.

Fire Alarm -
Causing the fire alarm to be activated without a just cause.

Fireworks/Noxious Materials -
The possession, sale or use of fireworks or noxious materials on school property resulting in injury to others. The detonation of explosive devices such as firecrackers, M80's or "cherry bombs".

Possession of a Weapon -
The possession or use of a weapon on school grounds or at a school function, or off school grounds at school sponsored functions or activities.

4. Involvement of Other Staff

Proactive measures must be applied in order to Meet our expressed goal of improving behavior. The

following efforts should be utilized:

1. The guidance counselor will be notified of any pattern of undesirable behavior. Once this information is received, the counselor shall see the student. The counselor will serve as the coordinator of any pupil personnel services that seem appropriate at this level.
2. The Child Study Team.
 1. Each principal is required to form a Child Study Team or develop other written procedures to provide for the needs of students with learning, emotional or discipline problems.
 2. A Child Study Team may consist of an administrator, counselors, social worker, psychologist, nurse and guidance chairperson. Teachers and parents may also be invited to participate in these meetings.
 3. Modification in program, incentives, in-school assignments and temporary removal of privileges and a referral to the Committee on Special Education are examples of alternatives the team may recommend.

Together a plan of action is developed with the intent of bringing the student to the understanding that a need exists, and the professional staff seeks to assist in solving any problems the student is having with the school experience.

3. 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:

 1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
 2. 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.

3. Knowingly and unlawfully possesses illegal drugs in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.
4. 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:
 1. Any student under the age of 16 who is found to have brought a weapon to school, or
 2. 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.

VIII. Alternative Instruction

When a student of any age is removed from class by a teacher the District will take immediate steps to provide continued educational programming. When a student of compulsory attendance is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

IX. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend

to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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. Should there be a conflict with the Code of Conduct and the law, the law and its implementing regulations shall control.

1. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services

and modifications to address the behavior to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent may order the placement of a student with a disability into a IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - 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.
3. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time

that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- a. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(2) which includes "a weapon, device, instrument, material or substances, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2½ inches in length."
 - b. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - c. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
4. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

2. Change of Placement Rule

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

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

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

1. Conduct manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal

drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. CSE responsibility for functional behavioral assessments and behavioral intervention plans:

If the manifestation team makes the determination that the conduct subject to the disciplinary action was a manifestation of the student's disability, the CSE must either:

- a. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
- b. If a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.

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

- a. The Superintendent, building principal

or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

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

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

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

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

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

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

5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against student with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of 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.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

4. Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations if:

1. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
2. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - a. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
 - b. 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.
3. An expedited due process hearing shall be conducted according to the following timelines:

- a. A resolution meeting shall occur within seven days of receiving notice of the due process complaint.
- b. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.
- c. The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed.
- d. The impartial hearing officer shall make a determination within 10 school days after the hearing.

5. 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.

X. 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, staff member or any person from physical injury.
2. Protect the property of the school or others.

3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

XI. Student Searches and Interrogations

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the Superintendent, building principals and assistant principals to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may conduct a search of a student's belongings without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. There will be a witness to all searches except in situations that pose an immediate threat to health and 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 they have previously supplied information that was accurate and verified, or they make an admission against their own interest or they provide the same information that is received independently from other sources, or they appear

to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

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, District computers and/or portable computing devices 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, District computers and/or portable computing devices 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. Cell phone searches

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the Code of Conduct and/or Board Policy, Students 6105, Acceptable Use Policy for Students. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

3. Overnight Activities

The rules in this Code of Conduct regarding searches of students and their belongings shall also not apply to searches of student luggage and belongings under the following circumstances. On any school sponsored overnight field trip, sporting event or other extracurricular activity the District shall conduct administrative inspections of luggage and personal property prior to departure. These searches shall be conducted without particularized suspicion of the violation of a school rule. These searches shall be made of all students participating in the event. Prior to departure, parents shall be required to execute a written parental permission slip which shall include a paragraph informing the parent of the District's luggage search policy. Parents will be informed of the opportunity to be present at the time of departure. The Superintendent of Schools shall submit a written report to the Board of Education at the end of each semester detailing how many searches have been conducted by school.

4. Strip Searches

It should be noted that strip searches are prohibited. If a clear and imminent danger to health or safety is present, police should be summoned.

5. Documentation of Searches

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

- a) Name, age and grade of student searched.
- b) Reasons for the search.
- c) Purpose of search (that is, what item(s) were being sought).
- d) Type and scope of search.
- e) Person conducting search and his or her title and position.
- f) Witnesses to search.
- g) Time and location of search
- h) Results of search (that is, what item(s) were found).
- i) Disposition of items found.
- j) Time, manner and results of parental notification. The building principal or the assistant principal shall be responsible for the

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

6. Police Involvement in Searches and Interrogations of Students

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

- a) a search or an arrest warrant; or
- b) probable cause to believe a crime has been committed on school property or at a school function; or
- c) been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or assistant principal shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or assistant principal will also be present during any police questioning or search of a student on school property or at a school function.

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

- a) They must be informed of their legal rights.
- b) They may remain silent if they so desire.

- c) They may request the presence of an attorney.

Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will provide data and assistance to local child protective services workers or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. The principal shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room consistent with state regulations (Social Services Law §425; 18 NYCRR §432.3).

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

XII. Visitors to the Schools

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Teachers are expected not to take class time to discuss individual matters with visitors.
4. Any unauthorized person on school property will be reported to the principal or assistant principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
5. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIII. 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. The District recognizes its obligation to apply the prohibition and penalties set forth in this section in a manner consistent with applicable law. The prohibitions and penalties set forth in this section shall not be applied to employees of the District in a manner that abridges or restrains

their freedom of expression, right of free association, academic freedom, or protected union activities including, but not limited to, union meetings, rallies, information picketing, and other lawful demonstrations on school property.

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.

The use of school property shall be limited to students duly enrolled and in attendance of the various District schools, employees of the District in the performance of their duties, visitors to the schools, offices and other properties of the District for the purpose of conducting legitimate business with the District, attending educational conferences, meetings, programs, athletic events, concerts, authorized or conducted by the Board of Education, or other school District personnel or invitees thereto by such persons. All other persons shall be deemed to be trespassers.

Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, disability, sexual orientation, gender, 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. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Illegally gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Smoke inside any enclosed school facility used to provide education services at any time.
Smoke anywhere on school grounds during school hours or during any student activity that is supervised by faculty or staff, or during any officially sanctioned school event .
Smoke in any vehicles used to transport children or school personnel (smoking includes but is not limited to cigarettes, cigars, pipes, e-cigarettes, or use of chewing or smokeless tobacco).
16. Operate a mini-bike, go-kart, motorized equipment or other unlicensed motor vehicle.
17. Operate a bicycle on athletic fields or running tracks.
18. Enter school property with a dog unless it is a dog used for a handicapping position.
19. Drive, chip or pitch golf balls on school property.
20. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

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 disciplinary action as the facts may warrant, in accordance with the due process requirements.
 3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
 4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
 5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
 6. Authorized Permit Holders. They shall be subject to license or permit revocation on a permanent or temporary basis where appropriate.

Enforcement

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

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

When school is not in session, or when the principal or designee is not present, any District employee is authorized and directed

upon observing or being informed of any violation of these rules and regulations, to make inquiry of the facts and circumstances surrounding the violation. Said employee is authorized to have the individual removed from school or the school function. If necessary local law enforcement authorities will be contacted to assist in removing the person.

Subsequently, such school District employees, at the first opportunity, shall make a written report of the facts and circumstances surrounding the enforcement of these rules and regulations to the school principal, or other immediate superior, which information shall be immediately transmitted to the Superintendent.

Subdivision (d) of Section 140.10 of the Penal law (L.1987, Chapter 192) also authorizes school board members or trustees to personally communicate to trespasser a request to leave the premises. Accordingly, where there are no other authorized school personnel present, school board members are authorized to direct individuals to leave school property and to contact law enforcement authorities to assist if necessary.

The school district shall indemnify and save harmless any such principal, the designee, or any other school District employee from any action, claim, or proceeding instituted against such District employees. 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.

XIII. Dissemination and Review

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year, and thereafter on request.
3. A summary of the Code of Conduct written in plain language will be posted on each school's website with a link to the full Code of Conduct on the District website.
4. Provide all current teachers and other staff members with a copy of the Code of Conduct and all amendments

- to the Code as soon as possible after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
 6. The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

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

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

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

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