

**5300**  
**CODE OF CONDUCT**  
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## **Introduction**

The Board of Education is committed to providing a safe, supportive and orderly school environment where all individuals are treated with respect and students may receive and School District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other School District personnel, parents and other visitors is essential to achieving this goal.

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents/ persons in parental relation and other visitors when on school property or attending a school function.

The code of conduct has incorporated the Dignity for All Students Act which was created to give students an educational environment free of discrimination, bullying and harassment.

## **Definitions**

For purposes of this code, the following definitions apply.

“Academic Misconduct” means an action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community.

“Alcohol” means possessing, consuming, or being under the influence of alcohol on School properties, at school functions and athletic activities.

“Bullying” means repeated, unwanted, mean or aggressive behavior toward another person to show you have power over them or to make them feel bad about themselves.

“Bus Misconduct” means behavior by an individual which is detrimental to the safe operation of the school bus.

“Cyberbullying” means harassment through any form of electronic communication including, but not limited to, instant messaging, e-mail, websites, chat rooms, social media and text messaging.

“Defamation” means 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.

“Defiance/Disrespect” means refusal to follow directions, talking back, and/or socially rude interactions.

“Detention: Failure to Attend” means failure to report to or be present in a designated classroom/area during the time a student is assigned detention.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

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

“Disruptive Behavior” means behavior that hampers or interferes with instruction, learning, or disrupts the daily activities of the school environment.

"Disruptive student" means an elementary or secondary 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.

“Drug Paraphernalia” means possession of any equipment, product, accessory, or material that is intended or modified for making, using, concealing, or distributing drugs, for recreational purposes.

“Drugs” means possessing, consuming, or being under the influence of an illegal substance which causes a physiological change in the body on School properties, at school functions, athletic activities, and while on trips.

“Electronic Device Misuse” means technology use that is unauthorized, that threatens, humiliates, harasses, or intimidates school-related individuals, disrupts the educational process, and/or violates local, state, or federal law.

“Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, instagram, and twitter.

“Emotional harm” in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means a person receiving compensation from the 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 the School District, its students or employees, directly or through contract, whereby such services performed by such person involved direct student contact.

“Endangering Health, Safety/Welfare of Others” means conduct that compromises the safety, physical, mental health or welfare of self and/or others.

“Failure to Follow Prescribed Schedule” means failure of student to be in designated area without express authorization.

“Fighting” means committing an act of aggressive physical contact towards another person.

“Gambling” means accepting, recording, or registering of bets, or carrying on a policy game, or any other lottery, or playing any game of chance, for money, or other thing of value.

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

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

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Harassment” or “Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) 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 (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. Acts of bullying and harassment that are prohibited include but are not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.



“Hazing” means – an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule exists.

“ID Card Misuse” means the misuse of a student’s identification card which is the property of School District. The card is non-transferable, and shall not be used by any person other than the specified student to whom the card was issued.

“Inappropriate Language/ Gestures” means words or gestures that are profane, vulgar, discriminatory or otherwise construed as socially offensive or harassing.

“Inappropriate Physical Contact” means behavior which infringes on the personal space and movement of others, is offensive, suggestive, or results in bodily injury.

“Intimidation” means conduct that makes others uncomfortable or fearful; compelling or deterring others by threat(s).

“Lateness to School/Class” means failure to arrive at school/class at the designated time, without legal or proper excuse.

“Leaving School Grounds” means failing to remain on school grounds, at any point after arrival, without authorization.

“Menacing” means actions that would be construed as threatening, harmful, or injurious to another.

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

“Property Loss/Theft” means possession of, transfer of, or being responsible for removing someone else’s property, without that person’s permission.

“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.

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

"School Function" means any school-sponsored extra-curricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

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

“Smoking/Vaping” means possessing, using, selling, distributing, or exchanging tobacco products, e-cigarettes, personal vaporizing devices, liquid nicotine, and/or smoking paraphernalia on School District properties or at School Functions.

“Social Media Misuse” means social media use that is unauthorized, that threatens, humiliates, harasses, or intimidates school-related individuals, disrupts the educational process, and/or violates local, state, or federal law.

“Trespassing” means entering or remaining on school grounds, school transportation, or at a school sponsored event on/off campus, without authorization.

“Vandalism/Property Damage” means destruction of or damage to school or personal property of a student, teacher, administrator, or other School District employee, or any person lawfully on school property or attending a School Function.

"Violent student" means a student 21 and under whom:

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

“Firearm” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

"Weapon" means any other gun, BB gun, airgun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, laser devices, pepper spray or other noxious spray, or other device, instrument, material or substance that is used for, or is readily capable of causing physical injury or death.

## **Student Rights and Responsibilities**

### **A. Student Rights**

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

1. Participate in all School District activities on an equal basis regardless of their actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

**B. Student Responsibilities**

All School District students have the responsibility to:

1. Promote a safe, supportive and orderly school environment that is conducive to learning.
2. Respect others, respect the property of others, and respect school property.
3. Maintain behavior free from all forms of harassment, bullying and/or discrimination.
4. Be familiar with and abide by all School District policies, rules and regulations dealing with student conduct.
5. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
6. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
7. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
8. Work to develop mechanisms to control their anger.
9. Ask questions when they do not understand.
10. Seek help in solving problems that might lead to discipline.
11. Dress appropriately for school and School Functions.
12. Accept responsibility for their actions.

13. Conduct themselves as representatives of the School District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

**Essential Partners (Board of Education, Superintendent of Schools, School District Administrators/Principals, and all School District Personnel)**

**A. All Essential Partners**

All essential partners 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 (including gender identity), which will strengthen students' self-concept and promote confidence to learn.
2. promote a safe, orderly and stimulating school environment that supports active teaching and learning.
3. know school policies and rules.
4. address personal biases that may prevent equal treatment of all individuals.
5. encourage students to benefit from the curriculum and extracurricular programs.
6. be familiar with the code of conduct.
7. help children understand the School District's expectations for maintaining a safe, orderly environment.
8. support student participation in appropriate extracurricular activities.
9. report rumors of threats of physical injury or damage to property to school officials.
10. Refrain from engaging in activities or displaying behaviors that set a poor example while in the supervision of students including smoking, or the use of other tobacco products, using any controlled substance, consuming alcohol or using inappropriate language. Teachers should always be mindful of the language contained in the New York State Code of Ethics for Educators.

**B. Parents/Persons in Parental Relation**

In addition to the responsibilities set forth in A above, all parents/persons in parental relation are expected to:

1. recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the School District to optimize their child's education opportunities.
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 and supportive environment.
7. know school rules and help their children understand them so their children can help create a safe, supportive school environment.
8. convey to their children a supportive attitude toward education and the School District.
9. build positive, constructive 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.

#### C. All School District Personnel

In addition to the responsibilities set forth in A above, all School District officers and employees are expected to:

1. demonstrate concern for student achievement.
2. know school policies and rules, and enforce them in a fair and consistent manner.
3. maintain confidentiality in conformity with federal and state law.
4. communicate regularly with students, parents and other teachers concerning growth and achievement.
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 in the school or classroom setting.
8. assist students in coping with peer pressure and emerging personal, social and emotional problems.
9. support the development of and student participation in appropriate extracurricular activities.
10. Address issues of bullying, discrimination and 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 or which create a hostile environment.
11. Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the Principal, Assistant Principal, or DASA Coordinator no later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the Principal, Assistant Principal, or DASA Coordinator no later than two days after making the oral report.

#### D. Teachers

In addition to the responsibilities set forth in A and C above, all School District teachers are expected to:

1. be prepared to teach.
2. demonstrate interest in teaching and concern for student achievement.
3. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.

#### E. School Counselors, School Psychologists, School Social Workers

In addition to the responsibilities set forth in A and C, above, all School Counselors, School Psychologists, and School Social Workers are expected to:

1. initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
2. regularly review with students their educational progress and career plans.
3. provide information to assist students with career planning.
4. encourage students to benefit from the curriculum and extracurricular programs.
5. make known to students and families the resources in the community that are available to meet their needs.

#### F. Other School Personnel

School personnel, including clerical, teacher aides and assistants, bus drivers, security guards, hall monitors, custodians and all support staff, play an important role in the education of students. In view of this responsibility, and in addition to the responsibilities set forth in A and C, above, school personnel shall:

1. be familiar with the code of conduct.
2. help children understand the School District's expectations for maintaining a safe, orderly and supportive environment.

#### G. Principals/Administrators

In addition to the responsibilities set forth in A and C above, all principals/administrators are expected to:

1. ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
2. evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
3. support the development of and student participation in appropriate extracurricular activities.
4. provide support in the development of the code of conduct, when called upon.
5. disseminate the code of conduct and anti-harassment policies as required by law.
6. be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### H. The Dignity Act Coordinator(s)

In addition to the responsibilities set forth in A and C above, the Dignity Act Coordinator(s) is/are expected to:

1. oversee and coordinate the work of the District-wide and building-level bullying prevention committees.
2. identify circular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources.
3. coordinate with the Professional Development Committee training in support of the bullying prevention committee.
4. be responsible for monitoring and reporting on the effectiveness of the School District's anti-bullying, harassment and discrimination policy (DASA policy).

#### I. Superintendent of Schools

In addition to the responsibilities set forth in A and C above, the Superintendent of Schools is expected to:

1. review with School District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

2. inform the Board of Education about educational trends relating to student discipline.
3. work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
4. work with School District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

J. Board of Education

In addition to the responsibilities set forth in A and C above, the Board of Education is expected to:

1. develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
2. collaborate with student, teacher, administrator, parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, School District personnel and visitors on School Property and at School Functions.
3. adopt and review at least annually the School District's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. lead by example by conducting Board of Education meetings in a professional, respectful, courteous manner.

**Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. These expectations are designed to aid students in character development by cultivating their respect for self and others. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other School 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, shall:

1. be safe, appropriate and not disrupt or interfere with the educational process.
2. recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), shoulders showing, mid-driffs, and seethrough garments are not appropriate and are disruptive to the learning environment.
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 in the classroom except for a medical or religious purpose.
6. not include items that are vulgar, obscene, discriminatory, libelous, or denigrate others on account of race, color, weight, religion, religious practice, national origin, ethnic group, gender, sex, sexual orientation or disability.
7. not promote and/or endorse the use of alcohol, tobacco or illegal drugs, gang affiliations (items such as, but not limited to: bandanas, gang symbols and/or colors) and/or encourage other illegal or violent activities.

Each Building Principal or his/her designee 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 in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

### **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, School District personnel and other members of the school community, and for the care of school facilities and equipment. In addition to its right to impose discipline, the Board of Education reserves the right to pursue the cost of repair to damages caused by a student's misconduct in accordance with its rights under the law.

It is expected that all students conduct themselves in a manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying and harassment.

Conduct that creates a hostile environment at school and school-sponsored events is strictly prohibited. This conduct can include but is not limited to conduct, threats, intimidation or abuse that constitutes harassment and/or bullying as defined in the "Definitions" section of this Code of Conduct.

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

The Board of Education recognizes the need to make its expectations for student conduct while on School Property or engaged in a School Function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. All violations apply to student behavior in school, on School Property, on school buses and at school-sponsored functions and student behavior off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the acts might reach school property.

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

- A. Engage in conduct that is disorderly. Examples include, but are not limited to:
  - 1. running in hallways.
  - 2. making unreasonable noise.
  - 3. using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. obstructing vehicular or pedestrian traffic.
  - 5. engaging in any willful act which disrupts the normal operation of the school community.
  - 6. trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - 7. using drones on or above School Property except as authorized by school personnel with the permission of the Superintendent of Schools or his/her designee.
  - 8. computer/electronic communications and personal device misuse, including but not limited to any unauthorized use of cell phones, iPods, iPads, tablets, smartwatches, or other portable devices, computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the School District's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples include, but are not limited to:
  - 1. failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespectful behavior toward visitors, teachers, school administrators, or other School District employees.
  - 2. lateness for, missing or leaving school without permission.
  - 3. skipping detention.
  - 4. failing to vacate school grounds at the conclusion of school authorized activities.
  - 5. being in an unauthorized area without supervision.
- C. Engage in conduct that is disruptive. Examples include, but are not limited to:
  - 1. failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

2. creating a loud disturbance.
3. using vulgar or abusive language, cursing or swearing.
4. falsely reporting a bomb threat. (Please note: Falsely reporting a bomb threat is a felony and may result in criminal prosecution.)
5. conduct disruptive of the educational process or that substantially interferes with the teacher's authority over the classroom.

D. Engage in conduct that is violent. Examples include, but are not limited to:

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

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

1. subjecting other students, school personnel or any person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. lying to school personnel.
3. stealing or attempting to steal the property of other students, school personnel or any other person lawfully on School Property or attending a School Function or stealing or attempting to steal anything that is school property.
4. defamation, as defined in the "Definitions" section of this Code of Conduct..
5. discrimination, as defined in the "Definitions" section of this Code of Conduct.
6. harassment, as defined in the "Definitions" section of this Code of Conduct.
7. sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, oral or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to s the Title IX coordinator.
8. intimidation, as defined in the "Definitions" section of this Code of Conduct.
9. bullying, as defined in the "Definitions" section of this Code of Conduct.
10. cyberbullying, as defined in the "Definitions" section of this Code of Conduct.
11. hazing, as defined in the "Definitions" section of this Code of Conduct.
12. selling, using, distributing or possessing obscene material.

13. using vulgar or abusive language, cursing or swearing.
- \*14. smoking a cigarette, electronic cigarette (e-cigarette), personal vaporizing device, cigar, pipe or using chewing or smokeless tobacco.
15. possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
16. inappropriately using or sharing prescription and/or over-the-counter drugs.
17. gambling, as defined in the "Definitions" section of this Code of Conduct.
18. violation of an individual's civil rights.
19. indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
20. initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
21. selling, using or possessing fireworks or other dangerous items.
22. hiding evidence of an illegal act or school violation.
23. creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on School 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 or other conduct in violation of the Code of Conduct will not be tolerated.

G. Engage in any form of academic misconduct. Examples include, but are not limited to:

1. plagiarism.
2. cheating.
3. copying.
4. altering records.
5. altering the work of others without permission.
6. assisting another student in any of the above actions.

H. Engage in off-campus misconduct that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the misconduct might reach school property; or endangers the health, safety or morals of students or staff within the school. Examples of such misconduct include, but are not limited to:

1. cyberbullying, as defined in the "Definitions" section of this Code of Conduct.
2. threatening, hazing or harassing students or school personnel over the phone or through other electronic media.
3. using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel.

I. Engage in misconduct while using technology. Examples of such misconduct include, but are not limited to:

1. violating any law.
2. displaying, performing, sending, receiving, or storing any content that is obscene, inappropriate, offensive, or otherwise objectionable, even if the material or its dissemination is lawful.
3. harassing any person or advocating or encouraging violence of any kind against any person, entity or government.
4. infringing, violating or misappropriating another's rights.
5. obtaining unauthorized access to, or interfering by any means with, any user, system, network, service or account, including evasion of filters or violation of the security or integrity of any network or system.
6. distributing computer viruses or malware of any kind.
7. sending, receiving or supporting email messages that are unsolicited, deceptive, anonymous, excessively, voluminous or that contain falsified identifying information, including spamming and phishing.
8. violating the School District's Acceptable Use Policy (Policy 4526).

#### **Expectations for Student Participation in Interscholastic Athletics and Extra-curricular Activities.**

There is an expectation for all students that are members of interscholastic athletic teams at Seaford Middle School and Seaford High School, and those that participate in extra-curricular activities, including clubs, that all aspects of the student Code of Conduct are understood and adhered to. Participation in interscholastic athletics and extracurricular activities is a privilege for students that are in good academic and behavioral standing and not a right equivalent to what is referred to as a Free and Appropriate Public Education in education law. Violations of the Code of Conduct may lead to a suspension or removal from a team or club depending on the severity of the infraction.

Additionally, good citizenship in the community is a minimum expectation for all of Seaford's students, and particularly those that expect to compete as Seaford athletes and/or remain active in extra-curricular activities. In the event a student becomes involved in a student disciplinary situation outside of school, including but not limited to a violation of law, a decision may be made to suspend the student from interscholastic athletics and/or extra-curricular activities until the situation is resolved, whether the incident has a connection to the School District or not. The suspension decision will take place after a meeting occurs with the student, the student's parents, the building principal, the coach of the team and Athletic Director and/or adult supervisor of the club or activity and any other parties the School District deems appropriate.

#### **General Guidelines for Players, Coaches, Parents/Guardians and Spectators**

1. Those in attendance at School District athletic events (home or away) are expected to demonstrate positive enthusiasm without causing harm, danger or embarrassment to others or to the school.

2. Everyone is to demonstrate common sense – respect opponents, players, coaches and officials and maintain self-control in their actions.
3. All in attendance are to be in compliance with School District’s Code of Conduct, academic eligibility policy, the athletic department’s return to play policies as well as follow team regulations and procedures.
4. Smoking (including cigarettes, ecigarettes, pipes and personal vaporizing devices), consuming alcohol, and/or using illegal substances is strictly prohibited.
5. Game officials, school administrators, coaches, teacher chaperones and/or security can have unruly fans removed from a contest facility.
6. All in attendance should be aware that the school can (and will) remove them from the premises and can prohibit them from attending future contests due to undesirable behaviors.

### **Overall Behavior Expectations for Players, Parents/Guardians and Spectators**

1. Proper language is to be used. No swearing or language which is offensive to others will be tolerated. School events are a family activity. Individual and group vulgarity is unacceptable, as is verbal harassment of players, coaches and officials.
2. Do not “coach” or instruct from the stands. Please respect the entire coaching staff’s judgement and leadership of their team.
3. Respect the officials’ judgment and interpretation of the rules.
4. Support your child and their teammates with positive actions and encouragement.
5. Everyone is expected to demonstrate respect and pride for the school. Cheer for your team, not against your opponents. Do not personalize your comments towards players, coaches and officials.
6. Hazing of any kind is strictly prohibited which includes but not limited to harassment/bullying & cyberbullying/social media harassment.
7. Respect is the key to good sportsmanship. Respect both players and fans from the opposing team. Opposing players are not enemies, but teenagers who happen to attend other schools.
8. Acknowledge good plays by both teams.
9. Accept victory and defeat with pride and compassion.
10. Those in attendance are not at an event to intimidate or ridicule, but to support and enjoy the competition.

### **Parent/Guardian, Player, Coach Communication Expectations**

#### **Communication Protocol**

1. Appropriate concerns to discuss with Coaches
  - a. Treatment of you/your child mentally and physically
  - b. Ways to help you/your child improve
  - c. Concerns about you/your child’s behavior
2. Inappropriate concerns to discuss with Coaches

- a. Playing time
- b. Team strategies or calling plays
- c. Other student athletes

Student athletes and their parents/guardians will be required to sign an agreement to uphold the within Code of Conduct, team rules and regulations and the above guidelines for participation in the School District's athletic program.

### **Alcohol Consumption by Students**

The Board of Education has determined that the use of alcohol by students in connection with school events represents a particularly serious threat to the health and welfare of students. The consumption of alcohol by students prior to or during all school-sponsored events or on school property is strictly prohibited. Any student who appears to be under the influence of alcohol shall be subject to the provisions of the written policy. Nothing herein contained shall preclude school administrators from disciplining a student pursuant to the Education Law and the Code of Student Behavior in addition to the provisions hereof, or referring any person attending school events to police agencies who is disruptive or disorderly.

In order to promote a safe, supportive, healthy and productive environment in connection with school events, the School District implements the following testing policy with respect to students suspected of consumption of alcohol.

- a. Any school personnel who have a reasonable suspicion that a particular student has consumed alcohol prior to or during a School Function may recommend to the administrator in charge the use of breathalyzer testing to determine such consumption. Reasonable suspicion shall be based on objective criteria including, but not limited to, admissions, reliable statements of others, alcohol on the breath, impairment of motor control and other outward signs of alcohol use or intoxication.
- b. The School District shall maintain an appropriately calibrated breathalyzer testing device and shall provide for training of appropriate employees in its use.
- c. A student present at a School Function event who is believed to have consumed alcohol prior to or during the event will be discretely excluded from the event and escorted by the school official to a secure location. A trained school official shall administer the test. The student will be granted an opportunity to be heard concerning justification for the positive test result. After due consideration of the student's rationale, the school official shall make an immediate determination whether to exclude the student from the event. If alcohol use has been determined, the student's parents or person in parental relation shall be immediately notified. Students identified as having consumed alcohol shall be detained under observation until a parent or person of suitable age and discretion is available to transport the student. The student's behavior shall be referred to the school Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results may be considered in making a determination whether to proceed further. If the student is insubordinate or disorderly or his/her conduct otherwise

violates the provisions of the code of Student Behavior, school administration may also proceed thereunder.

- d. In the event that a student refused the administration of a breathalyzer test, he/she will be presumed to have consumed alcohol. The matter will then be processed in the same manner as if a positive breathalyzer test result had been obtained, and the student may be excluded from school-related activities and other school events.

As noted above, the possession, transportation, and distribution of alcoholic beverages during or in connection with school events are strictly prohibited. Any student determined to have possessed, transported or distributed alcoholic beverages or to be under the influence of alcohol at such activities shall be subject to immediate suspension and further discipline as provided in Section 3214 of the Education Law of the State of New York and Code of Student Behavior.

In addition to any other penalties provided by law or by the Code of Student Behavior, the building principal may, for a violation of this policy, prohibit the student from attending or participating in the prom and/or the graduation ceremony, although the student would still be entitled to receive his/her diploma if the student is otherwise entitled to it.

### **Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, school psychologist, school social worker, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Building Principal, the Building Principal's designee or the Superintendent of Schools or his/her designee.

All School District staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School District staff that 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, which may include permanent suspension and referral for prosecution.

The Principal or his/her designee must notify the appropriate local law enforcement agency of code violations, including but not limited to incidents of harassment, bullying, and/or discrimination, which may constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.



## **Reporting Incidents of Bullying, Harassment and/or Discrimination**

Students who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students or staff who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable School District policies. (Refer to BOE Policy 0115, Dignity for All Students Act, BOE Policy 0100, Equal Opportunity; and BOE Policy 0110, Sexual Harassment.)

Staff members must promptly make an oral report of all complaints of bullying, harassment, and discrimination that they receive from students or others, whether oral or written, as well as any instances of bullying, harassment or discrimination that they are aware of, to the Principal, Assistant Principal, or DASA Coordinator not later than one school day after receipt of a report or witnessing an incident and shall file a written report with the Principal, Assistant Principal, or DASA Coordinator not later than two school days after making the oral report.

Reports of bullying, harassment and discrimination will be promptly investigated in accordance with School District policies and procedures.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination is prohibited under law.

## **Dignity Act Coordinator Contact Information**

The name, designated school and contact information for each school building's Dignity Act Coordinator is as follows:

### **School District-wide Coordinator**

|                   |              |
|-------------------|--------------|
| Dr. Adele Pecora, | 516-592-4001 |
|-------------------|--------------|

### **Seaford High School Coordinator**

|                                          |              |
|------------------------------------------|--------------|
| Ms. Nicole Schnabel, Assistant Principal | 516-592-4384 |
|------------------------------------------|--------------|

### **Seaford Middle School Coordinator**

|                                    |              |
|------------------------------------|--------------|
| Ms. Lisa Dunn, Assistant Principal | 516-592-4283 |
|------------------------------------|--------------|

### **Seaford Manor Elementary School Coordinator**

|                                             |              |
|---------------------------------------------|--------------|
| Ms. Mary Ellen Kakalos, Assistant Principal | 516-592-4080 |
|---------------------------------------------|--------------|

### **Seaford Harbor Elementary School Coordinator**

This information shall also be posted on the School District's website and included in the plain language summaries of the code of conduct provided to parents and students and shall be further disseminated in accordance with law and regulations.

### **Disciplinary Penalties, Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair, impartial and consistent.

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

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

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code 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.

#### **A. Penalties**

Students who are found to have violated the School District's code of conduct may be subject to the following penalties, either alone or in combination. The following are authorized to be imposed, consistent with the student's right to due process and include but are not limited to:

1. Oral warning
2. Oral notification to parent
3. Written warning
4. Written notification to parent
5. Removal from classroom by teacher
6. Detention

7. Loss of recess or lunch detention
8. Suspension from transportation
9. Suspension from athletic participation
10. Suspension from social or extracurricular activities-
11. Loss of Academic Honors, including, but not limited to Valedictorian, Salutatorian, President National Honor Society.
12. Suspension of other privileges
13. In-school suspension
14. Short-term (five days or less) suspension from school
15. Long-term (more than five days) suspension from school
16. Permanent suspension from school

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school 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 an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### **1. Detention**

Teachers, Principals and the Superintendent of Schools or his/her designee may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. A student subjected to detention is not entitled to a full hearing pursuant to Education Law §3214.

### **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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent of Schools or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the School District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will

be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

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

A student subjected to a suspension from athletic participation, extra-curricular activities, loss of recess, loss of academic honors, 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 School District official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

The Board of Education recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board of Education authorizes Principals and the Superintendent of Schools to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the School 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" in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other School 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 ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

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

Within 24 hours after the student's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, the Principal or another School District administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student

and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal, provided that if such forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal or designee finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the School 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 his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, provided that if such forty eight hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, 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 (or his/her designee) 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 School District provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class.

Removal of a student with a disability, 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 of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent of Schools and the Principals.

The Principal or his/her designee may recommend to the Superintendent of Schools or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent of Schools 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 Superintendent of Schools or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

f. Short term (five days or less) Suspension from School

When the Superintendent of Schools or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference 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 of Schools within five **(5) business days**, unless they

can show extraordinary circumstances precluding them from doing so. The Superintendent of Schools shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent of Schools's decision, they must file a written appeal to the Board of Education with the School District Clerk within ten **(10) business days** of the date of the Superintendent of Schools decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the Commissioner of Education within thirty **(30) days** of the decision.

g. Long term (more than five days) Suspension from School

When the Superintendent of Schools 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 pursuant to Education Law §3214. 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 of Schools shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent of Schools. The report of the hearing officer shall be advisory only, and the Superintendent of Schools may accept all or any part thereof.

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

h. Permanent suspension

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



i. Procedure After Suspension

The Board of Education may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board of Education retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

**C. Minimum Periods of Suspension**

1. Students who bring to or possess a firearm or weapon at school

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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 of Schools has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools 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 of Schools' belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
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 to or possessing a firearm or weapon at school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent of Schools 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 of Schools 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) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent of Schools 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 of Schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination**

The School District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, intervention, education and discipline. Remedies will be measured, balanced, progressive and age-appropriate and will take into consideration the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the offending student's behaviors had on the individual who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment.

Successful intervention **may** involve remediation.

Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

- Restitution and restoration;
- Peer support groups;
- Corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling;

- Parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and/or discrimination. Environmental remediation strategies may include, but are not limited to:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying, harassment and/or discrimination;
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Staff professional development;
- Parent conferences;
- Involvement of parent-teacher organizations;
- Peer support groups.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

#### **E. Referrals**

##### **1. Counseling**

The Building Principals shall handle all referrals of students to counseling.

##### **2. PINS Petitions**

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

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

### 3. Juvenile Delinquents and Juvenile Offenders

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

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

The Superintendent of Schools is required to refer students age 16 and older or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### **Alternative Instruction**

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

### **Discipline of Students with Disabilities**

The Board of Education recognizes that it may be necessary to suspend, temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others, or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Education also recognizes that students with disabilities are granted certain procedural protections when school authorities impose discipline. The Board of Education is committed to ensuring that the procedures followed are consistent with the safeguards required by applicable laws and regulations.

The code of conduct affords students with disabilities who have been subject to disciplinary action no greater or lesser rights than those expressly authorized by applicable federal and state law and regulation.

#### A. Authority to Remove, Suspend or Otherwise Discipline Students with Disabilities

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

“Behavior Intervention Plan” means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

“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.

“Disciplinary Change of Placement” means a suspension or removal from a student’s current educational placement that is either for more than ten consecutive school days, or for a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another. The School District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

“IAES” (Interim Alternative Educational Setting) means a temporary educational placement determined by the committee on special education (CSE) or an impartial hearing officer, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. The IAES allows for services to be provided that permits the student to continue to participate in the general curriculum and enables the student to progress toward meeting the goals set forth in their Individualized Education Plan (IEP).

“Illegal Drug” means a controlled substance but does not include 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.

“Manifestation review” means a review of the relationship between the student’s disability and the behavior subject to disciplinary action which is required when the disciplinary action results in a change of placement (as defined above). A child’s conduct will be deemed to be a manifestation of his/her disability if the conduct in question was caused by, or had a direct and substantial relation to the child’s disability; or it was the direct result of the School District’s failure to implement the IEP.

“Manifestation team” shall include a representative of the School District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the School District.

“Removal” means a removal for disciplinary reasons from the student’s current education placement, other than a suspension and change in placement to an IAES.

“School Day” means any day, including partial day, that students are in attendance at school for instructional purposes.

“Serious Bodily Injury” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

“Suspension” means a suspension pursuant to Education Law §3214.

“Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes a “weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”

2. School Administrators or teachers may order the suspension or removal of a student with a disability from his/her current education placement as follows:

- a) The Board of Education, the Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time a nondisabled student would be subject to suspension for the same behavior. Parents or persons in parental relation to the student shall be provided an opportunity for an informal conference in accordance with paragraph (d) of §3214 of Education Law.

- b) The Superintendent of Schools may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under the above paragraph for the same behavior, if the Superintendent of Schools determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time nondisabled students would be subject to for the same behavior. The Superintendent of Schools or an appointed hearing officer, in accordance with the Commissioner’s regulations, will conduct a hearing that shall be bifurcated into a guilt phase and a penalty phase.

- c) The Superintendent of Schools may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

- d) The Superintendent of Schools may order the placement of a student with a disability in to an IAES to be determined by the CSE for the same amount of time a student without a disability would be subject to discipline, but not for more than 45 school days, under the following circumstances:

- i. The student carries or possesses a weapon to or at school, on school premises or to a school function; or,
  - ii. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or,
  - iii. The student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

- e) An impartial hearing officer, subject to specified conditions required by federal and state law and regulations, may order the placement of a student with a disability in an

IAES for up to forty five (45) days at a time if maintaining the student in his/her current educational placement poses a risk of harm to the student or others as determined by the Committee on Special Education.

3. A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately if possible, but in no case later than ten school days after:
  - a) A decision is made by the Superintendent of Schools to change the placement of a student to an IAES.
  - b) A decision is made by an impartial hearing officer to place a student in an IAES.
  - c) A decision is made by the Board of Education, the School District Superintendent of Schools, the Superintendent of Schools or a building principal imposes a suspension that constitutes a disciplinary change in placement.
4. The School 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 misconduct involving serious bodily injury, weapons, illegal drugs or controlled substances; 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 Committee on Special Education may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates the code of conduct.
6. When a student has been suspended, the suspension may be reduced or revoked by the Board of Education whenever it deems it is in the best interest of the school and student to do so. The Board of Education may condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution.

**B. Responsibilities of the CSE when Disciplining Students with Disabilities**

When a student with a disability is suspended or removed for more than ten consecutive school days or when a suspension or removal constitutes a disciplinary change in placement and the student's conduct is a manifestation of the student's disability the CSE shall:

- a) Conduct a functional behavioral assessment and implement a behavioral intervention plan, unless the School District had already done so prior to the misconduct; or,
- b) If the student already has a behavioral intervention plan, the CSE shall meet to review the plan and its implementation and modify it as appropriate. If the misconduct is found to be as a result of the failure to properly implement the IEP, the School District must take immediate steps to remedy the deficiencies.
- c) If the CSE is convened, parental notification procedures are applicable.

If the misconduct is found to be a manifestation of the student's disability, then the School District shall return the student to the placement from which he/she was removed unless the parents agree to the change in placement or if the child had been removed to an IAES because of serious bodily injury, weapons, illegal drugs or controlled substances

When a student with a disability, who has a behavioral intervention plan, is suspended or removed for more than ten school days, but the removal does not constitute a change in placement, then members of the CSE shall review the plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the CSE to review the plan and take appropriate action.

C. Disciplinary Procedures for Students Not Determined to have a Disability at the time of the Misconduct

The parents of a student who is facing disciplinary action, but who has not been identified as a student with a disability at the time of misconduct shall have the right to invoke procedural safeguards set forth in federal and state law and regulations if, in accordance with statutory and regulatory criteria, the School District is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the School District is deemed to have had such knowledge, the student will be presumed to have a disability for discipline purposes.

The Superintendent of Schools, 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. The School District will be deemed to have had knowledge if the child's parent expressed concern in writing to supervisory or administrative personnel, or if the child's teacher or other personnel had expressed specific concerns about a pattern of behavior demonstrated by the child directly to the special education director or to other supervisory personnel.

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 School District had knowledge the student had a disability, the School District either:

1. conducted an individual evaluation and determined that the student is not a student with a disability, or
2. determined that an evaluation was not necessary and provided notice to parents of such determination, in the manner required by applicable law and regulations, or
3. the student's parent has not allowed an evaluation of the student.

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



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

D. Expedited Due Process Hearings

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

E. Referral to law enforcement and judicial authorities

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

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

### **Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any School District employee is strictly forbidden. No teacher, administrator, officer, employee or agent in the School District shall use corporal punishment against a student. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student.

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

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

In all cases, the employee is expected to use the minimum amount of force necessary. The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes. Alternative procedures and methods not involving the use of physical force include:

- a. the use of language which reduces hostility;
- b. issuing clear directions to the offending student;
- c. explaining the consequences of the student's actions to the student; and
- d. enlisting the aid of another School District employee.

With respect to any and all incidents involving the use of physical force by a School District employee, the School District employee shall ensure that:

- a. the dignity and integrity of the employee and his/her profession are maintained; and
- b. the rights of the student have not been violated.

Whenever an incident has occurred during which a School District employee has had physical contact in any way that could be construed as physical force or corporal punishment, the School District employee must give a full, clear, factual and objective report of the incident to the Building Principal. A student who has been subjected to physical force by a School District

employee or the parent(s)/guardian(s) of such a student may file a grievance in accordance with the procedures outlined in the School District's student grievance regulation.

Any claim about the use of corporal punishment shall be submitted in writing by the complainant to the Superintendent of Schools of Schools. This written complaint will be forwarded to the School Attorney within seven school days. The Superintendent of Schools of Schools or his/her designee shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the corporal punishment, the identity of the student or students involved, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the School Attorney upon completion of the investigation.

Reports shall be submitted to the Commissioner of Education on or before January 15 and July 15 of each year concerning complaints about the use of corporal punishment during the six (6) month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the School District.

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

### **Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the School 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 of Education authorizes the Superintendent of Schools of Schools, Building Principals, and the school nurse and School District security officials 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 School District code of conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the School 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. School 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 School District code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

#### A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places.

Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

#### Documentation of Searches

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

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

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

#### **Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct. These may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary,

determining disciplinary action in accordance with applicable due process rights. Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted. The degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent of Schools or his/her designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

#### Police Involvement in Searches and Interrogations of Students

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

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

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

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

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

### Child Protective Services Investigations

Consistent with the School 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 School District will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, 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 Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the School District's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. The Principal or designee 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 from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not 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.

### **Visitors to the Schools**

The Board of Education encourages parents and other School District citizens to visit the School 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 Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the visitor's podium upon arrival at the school. There they will be required to provide identification and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the visitor's podium before leaving the building.

3. If a visitor, after showing their ID and signing in, is dropping something off for a student or staff member at the elementary schools, the visitor will place the item on a table designated for this purpose and will report to the visitor's podium. If a visitor is dropping off an item at the Middle School or High School, the visitor will bring the item directly to the Main Office.
4. Any unauthorized person on school property will be reported to the Principal or his or her designee. 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.

### **Public Conduct on School Property**

The School District is committed to providing an orderly, safe, supportive, 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 School 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 School District recognizes that free inquiry and free expression are indispensable to the objectives of the School District. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other School 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 Function that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, are discriminatory, or are disruptive to the school program.
5. Intimidate, bully, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious

- practice, age, gender, sex, marital status, sexual orientation, disability, military status, predisposing genetic characteristics or domestic violence victim status.
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. Gamble on School Property or at School Functions.
  13. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
  14. Willfully incite others to commit any of the acts prohibited by this code.
  15. Violate any federal or state statute, local ordinance or Board of Education policy while on school property or while at a school function.
  - 16.
  17. Bring dogs or other animals on school property, except those authorized as service animals, police dogs, and dogs hired for geese control
  18. Use language or gestures that are profane, lewd, vulgar or abusive.
  19. Engage in any sexual behavior and/or contact
  20. Obstruct pedestrian traffic in hallways, stairwells, and doorways.
  21. Intentionally obstruct vehicular traffic.
  22. Engage in any willful act which disrupts the normal operation of the school community.
  23. .
  24. Steal or attempt to steal the property of students, school personnel, or any other person lawfully on School Property or attending a School Function.
  25. Be dishonest (lying, lying by omission, knowingly sharing false information).
  26. Fail to comply with reasonable directives of teachers, school administrators, or other school employees/ contractors in charge of students.
  27. Trespass on school grounds or entering a school building without administrative permission and authorized supervision.
  28. Fail to vacate school grounds at the conclusion of school authorized activities.
  29. Be in an unauthorized area without supervision.
  30. Use drones on or above school property.
  31. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
  32. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a student or any other person lawfully on school property or attempt to do so.
  33. Display what appears to be a weapon.
  34. Threaten to use any weapon.
  35. Fight or engage in violent behavior.



36. Subject students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
37. Intimidate any student, school personnel or any other person lawfully on school property or attending a school function.
38. Threaten another with bodily harm.
39. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.
40. Hide evidence of an illegal act or school violation.
41. Defame another individual.
42. Sell, use, distribute or possess obscene material.
43. Smoke cigarettes, cigars, e-cigarettes, personal vaporizing devices, pipes or use chewing or smokeless tobacco while on school grounds or at a school function.
44. Inappropriately use or share prescription and over-the-counter drugs.
45. Engage in an act of indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
46. Initiate a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
47. Engage in misconduct while using technology.
48. Litter or walk animals on school property.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with this Code of Conduct, applicable law, regulations and School District policies, and 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. 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.
4. Staff members other than those described in subdivisions **2 and 3**. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

**The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.**

When the 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **Notices**

All notices required to be provided pursuant to this Code of Conduct shall be provided in the native/home language of the parent/guardian.

## **Dissemination and Review**

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

The Board of Education 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 in an age appropriate version, written in plain-language, at a school assembly to be held at the beginning of each school year.
2. Making complete copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of School District students before the beginning of each school year and making this summary available later upon request.
4. Providing all teachers and other staff members with a complete copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a complete copy of the current code of conduct when they are first hired.
6. Making complete copies of the code available for review by students, parents or other persons in parental relation to students, other school staff and other community members.
7. Posting a complete copy of the Code of Conduct, including any annual updates or amendments to the Code, on the School District's website.

The Board of Education will sponsor an in-service education program for all School District staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school

climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent of Schools may solicit the recommendations of the School District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the School District's professional development plan, as needed.

#### B. Review of Code of Conduct

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

Before adopting any revisions to the code, the Board of Education will hold at least one (1) 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 of Education, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

**Adoption date: July 3, 2008**

**Revised: July 19, 2012**

**Revised: March 14, 2013**

**Revised: August 22, 2013**

**Revised: October 2, 2014 (pg. 14 only)**

**Revised: February 6, 2015 (pg. 17 only)**

**Revised: May 5, 2016 (pg. 16 only)**

**Revised: November 3, 2016 (pg. 40 only - 5300.60)**

**Revised: August 7, 2019**