

# CODE OF CONDUCT

## 1. INTRODUCTION

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

The district has 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 Owego-Apalachin School Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this Code of Conduct (“code”). Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## 2. DEFINITIONS

For purposes of this code, the following definitions apply.

**Cyberbullying** shall mean harassment or bullying as defined in the Code of Conduct where such harassment or bullying occurs through any form of electronic communication.

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

**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.

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

**Harassment and Bullying** shall mean 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 well-being; 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.

Acts of harassment and bullying shall include, but not be 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 or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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

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

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within 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.

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

**Violent student** means a student under the age of 21 whom:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, to use a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys district property.
8. "Weapon" means a firearm as defined in Federal Law 18 USC #921 for purposes of the Gun Free Schools Act. It also means any other gun, BB gun, paint ball gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

*The term "firearm" is defined in Federal Law 18 USCA #921(3) and shall include any weapon, including a starter gun, which will or is designed to or may readily be converted expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any device similar to any of those devices already described in this paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a weapon.*

**Visitor** means anyone not a regular staff member or student of the school.

### **3. STUDENT RIGHTS AND RESPONSIBILITIES**

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

The 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 civil school environment. All district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, disability, weight, gender identity, and religious practice.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with imposition of the penalty.
3. Access to school rules and, if necessary, access to receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct including the use of electronic devices and the internet.
3. Attend school every day, unless they are legally excused, and be in class on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.

7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Inform the proper authorities when others are at risk.

#### 4. STUDENT DRESS CODE

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

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

1. Be safe, appropriate and not disrupt or interfere with educational process.
2. Recognize that extremely brief garments such as tube tops, one-shoulder shirts, net tops, and halter-tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Pants, shorts and skirts should fit at the waist.
5. **WEAR** footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of hats, bandanas, or kerchiefs in the school except for a medical or religious purpose. **NO TRENCHCOATS.**
7. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, weight, gender identity or religious practice.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
9. Not include the wearing of jewelry and accessories, which are a safety hazard to the wearer or others (wallet chains, spiked rings, spiked bracelets, etc.).

Each building principal or his or her designee shall be responsible for informing all students and their parents (or guardians) 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 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.

#### 5. TEACHER REMOVAL OF A DISRUPTIVE STUDENT UNDER S.A.V.E

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 expect students to meet standards of proper classroom behavior. Teachers will maintain or restore control over the classroom by using effective classroom management techniques.

For the purposes of this Code of Conduct, a disruptive student is one who substantially interferes with the educational process or the teacher's authority by demonstrating a persistent, unwillingness to comply with the teacher's instructions or repeatedly violating the teacher's classroom behavior rules.

Disruptive behavior could include, but is not limited to:

1. Consistently distracting the teacher or fellow students from their learning.
2. Refusing to work on assigned activities or tasks.
3. Sleeping in class.

## **PROCEDURE AND PROCESS**

If the teacher makes a judgment that a student's behavior is substantially disruptive according to the District's Code of Conduct, he or she will send the disruptive student to the designated detention area. The teacher must verbally give the reason for the removal to the student, state the duration of the removal, and explain that there will be an informal opportunity for the student to be heard within a day.

The teacher must also complete, and submit to the Administration, a S.A.V.E. School Removal Form\* the day the removal occurs. The report should provide substantial evidence to document the need for removal and include the number of days the student is to be removed from the class.

The principal, or designee, shall inform the student's parents (or guardian) of the removal from class under S.A.V.E. and the reasons stated for removal within twenty-four hours. This notice must inform the parents (or guardian) of their ability to request an informal conference with the principal, or designee, and the teacher to discuss the reasons for the removal. This informal conference will be held during normal school hours within two school days of the removal from class. The disruptive student and parent (or guardian) will be given an opportunity to present the student's version of the relevant events. Following the Parental Conference, or by the close of business on the third school day following the student's removal, the principal or designee must make a final determination concerning the student's continued removal from the classroom.

The principal cannot set aside the removal imposed by the teacher unless:

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

No student removed from the classroom under S.A.V.E. legislation shall be permitted to return to the classroom until the principal, or his designee makes a final determination, or the period of removal expires, whichever is less or the teacher agrees to an alternative disciplinary arrangement.

❖ \*For form see end of document.

## **6. PROHIBITED STUDENT CONDUCT**

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

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

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
  1. Running in Hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that is profane, lewd, vulgar, or abusive.
  4. Public displays of affection- kissing and inappropriate touching.
  5. Obstructing vehicular or pedestrian traffic.
  6. Engaging in any willful act which disrupts the normal operation of the school community.
  7. 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.

8. Computer/electronic communications misuse, including any unauthorized use of computer, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include 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 disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
- C. Engage in conduct that is disruptive. An example of disruptive conduct includes but not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or cafeteria workers, secretaries, bus drivers, aides, hall monitors, security staff or other school personnel in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include but 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 to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Threatening to use a weapon, displaying what appears to be a weapon or possessing a weapon\* on school property or any school function. 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. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  5. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Engaging in any act of discrimination or harassment as defined in this code.
  5. Bullying/Cyberbullying.
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Smoking a cigarette, cigar, pipe or using chewing tobacco or smokeless tobacco.
  11. 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, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any substances commonly referred to as "designer drugs", and any drug paraphernalia.
  12. Inappropriately using or sharing prescription and over-the-counter drugs.
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

16. Use of electronic devices (pagers, cell phones, CD players, hand held games, etc.) is prohibited unless approved by the principal or his/her designee.
17. Engaging in sexual acts on school grounds, schoolsponsored sporting events, or school transportation.

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

G. Engage in any form of academic misconduct. Examples of academic misconduct includes but not limited to:

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

H. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or adversely affects the educational process. Examples of such misconduct include:

1. Cyberbullying
2. Threatening, hazing, and harassing students or school personnel over the phone or internet.
3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel.

I. Cell Phones (if allowed by the schools)– Students are required to turn off cell phones and store them in their lockers during the school day (7:30 am – 2:30 pm). Students failing to store the device as required will have the device confiscated until its return at the end of the schoolday. The student will receive a verbal warning and written correspondence will be mailed home to the parent/guardian outlining the student's failure to comply with expectation. Repeat offences will result in confiscation of the device, however, the device will only be returned to a parent/guardian. The parent/guardian must be present in order for its return. Multiple infractions may result in further disciplinary consequences, up to and including out of school suspension, in accordance with the District's Code of Conduct.

#### **\*REPORTING VIOLATIONS\***

All students are expected to promptly report violations of the code of conduct that constitute a crime or are believed to constitute a crime to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools. Retaliation against those making a report in good faith is strictly prohibited and subject to disciplinary consequences in accordance with this code and pertinent District policy.

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

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **7. 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 student's view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's 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 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 will not be disciplined for behavior related to his/her disability.

### **A. PENALTIES**

The range of penalties that may be imposed for the conduct set forth in the above are as follows:

1. Oral warning- any members of the district staff.
2. Written warning- bus drivers, hall and lunch monitors, aides, coaches, guidance counselors, teachers, Principal, Superintendent.
3. Written notification to parent- bus drivers, hall and lunch monitors, aides, coaches, guidance counselors, teachers, Principal, Superintendent.
4. Detention - teachers, Principal, Superintendent.
5. Suspension from transportation – Director of Transportation, Principal, Superintendent.
6. Suspension from athletic participation- Coaches/Athletic Director, Principal, Superintendent.
7. Suspension from social or extracurricular activities- activity director, Principal, Superintendent.
8. Suspension of other privileges-Principal, Superintendent.
9. In-School suspension – Principal, Superintendent.
10. Removal from classroom by teacher – teachers, Principal.
11. Short-term (five days or less) suspension from school– Principal, Superintendent.
12. Long-term (more than five days) suspension from school– Principal, Superintendent.
13. Permanent suspension from school– Superintendent.

### **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 oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **1. Detention**

Teachers, Principals, and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school

detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

**2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

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

**4. In-school suspension**

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes teachers, building principals and the superintendent 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.

**5. Suspension from school**

The suspending authority must also notify the student's parents **in writing** that the student **may** be suspended.

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

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

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

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

When the superintendent or principal (referred to as the "suspending authority") suspends 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 suspension. The suspending authority must also notify the student's parents that the student will be suspended from school. Where possible, notice should be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. 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 24-72 hours of the decision to suspend at the last known address for the parents.



The notice shall provide a description of the charges against the student and the incident for the suspension and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and the 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 notify the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

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

c. Permanent suspension.

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

### C. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school.

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being

suspended, the student will have an opportunity for a hearing pursuant to Education Law #3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.
- d. The impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed.

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 or possessing a weapon to school or to a school function. Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent (or guardian) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents (or guardian) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.
3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere 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 the 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 (or guardian) 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 (or guardian) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. REFERRALS**

1. PINS Petition.  
The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law #221.05 will be a sufficient basis for filing a PINS petition.
2. Juvenile Delinquents and Juvenile Offenders.  
The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - a. Any student under the age of 16 who is found to have brought a weapon to school; or

- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law #1.20(42).

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

## 8. ALTERNATIVE INSTRUCTION

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

## 9. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to 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. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

## DEFINITIONS

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

**Behavioral Intervention Plan (BIP)** 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 abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

**Disciplinary change in placement** means a suspension or removal from a student's current educational placement that is either:

- a. For more than 10 consecutive school days; or
- b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

**Illegal drug** means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

**Interim Alternative Educational Setting (IAES)** means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or

her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

**Manifestation review** means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

**Manifestation team** means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.

**Removal** means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

**School day** means any day, including a 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.

**Student presumed to have a disability for discipline purposes** means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

**Suspension** means a suspension pursuant to §3214 of New York's Education Law.

**Weapon** means the same as the term "dangerous weapon" under 18 USC §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

School personnel will consider any unique circumstances on a case-by-case basis.

#### **A. AUTHORITY OF SCHOOL PERSONNEL TO SUSPEND OR REMOVE STUDENTS WITH DISABILITIES**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also 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 the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school

- function, or
2. 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 under the district's jurisdiction, or
  3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

#### **B. PROCEDURES FOR THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES BY SCHOOL PERSONNEL**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, infliction of serious bodily injury, in which case the student may still be placed in an IAES.

#### **C. LIMITATION ON AUTHORITY OF SCHOOL PERSONNEL TO SUSPEND OR REMOVE STUDENTS WITH DISABILITIES**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.
3. School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### **D. PARENTAL NOTIFICATION OF A DISCIPLINARY CHANGE OF PLACEMENT**

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is

substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### **E. MANIFESTATION REVIEW**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the districts failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### **Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory

attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

1. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

#### **STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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

disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

### **EXPEDITED DUE PROCESS HEARINGS**

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

### **REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

### **10. CORPORAL PUNISHMENT**

- A. Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.
- B. In situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:
1. Protect oneself, another student, teacher or any person from physical injury.
  2. Protect the property of the school or others.
  3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, power and duties, if that student has refused to refrain from further disruptive acts.

### **11. STUDENT SEARCHES AND INTERROGATIONS**

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



However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse and 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 district Code of Conduct.

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

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

#### A. STUDENT LOCKERS, DESKS, AND OTHER 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.

#### B. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. 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.

#### C. CHILD PROTECTIVE SERVICES INVESTIGATIONS

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

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

required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

## **12. VISITORS TO THE SCHOOL**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or 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 designated sign-in area upon arrival at school. There they will be considered a visitor.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. 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.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **13. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

### **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## B. PENALTIES

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. This may include exclusion from future conferences, athletic events, or other school activities.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty member. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law #3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law #75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law #75 or any other legal rights that they may have.
5. Staff members other than those described in subdivision 3 and 4. They shall be subject to warning reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. ENFORCEMENT

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

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

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

## 14. DISSEMINATION AND REVIEW

### A. DISSEMINATION OF CODE OF CONDUCT

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
3. Making copies of the code available to students, parents and other community members.

4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.

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

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

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

#### **PROVISIONS DEFINING THE ROLES OF TEACHERS, ADMINISTRATORS, OTHER SCHOOL PERSONNEL, BOARD OF EDUCATION AND PARENTS**

##### **A. Parents - All parents are expected to:**

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

##### **B. Teachers - All district teachers are expected to:**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

#### C. Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

#### D. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### F. Board of Education

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

**ACKNOWLEDGEMENT SIGNATURES**

**The following district employees were members of the committee that met in 2013  
To review, suggest and agree to the changes that are highlighted in yellow.**

**Administration:**

<b>Tom Beatty</b>	_____	<b>Ken Francisco</b>	_____
<b>Jill Bennedum</b>	_____	<b>Laurie McKeveney</b>	_____
<b>Joe DiCosimo</b>	_____	<b>Dr. William Russell</b>	_____
<b>Bernie Dolan</b>	_____		

**Faculty & Staff:**

<b>Bernie Atkins</b>	_____	<b>Michaelene Heierman</b>	_____
<b>Jennifer Chandler</b>	_____	<b>Mark Kmetz</b>	_____
<b>Bill Edwards</b>	_____	<b>Jim Miller</b>	_____