

## CODE OF CONDUCT

### I. INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive, and District personnel may deliver, quality educational services without disruption or interference. Responsible behavior by students, 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 traits such as civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

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

### II. DEFINITIONS

For purposes of this Code, the following definitions apply:

**“Harassment, intimidation or bullying”** means any gesture, any written, verbal or physical act, or any electronic communication,<sup>1</sup> whether it be a single egregious incident or a series of incidents that is:

- a) reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation, gender identity and expression, or
- b) by any other distinguishing characteristic; and that,
- c) takes place on school property, at any school-sponsored function, or on a school bus, and/or that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that,
- d) a reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- e) has the effect of insulting or demeaning any student or group of students; or
- f) creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

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<sup>1</sup>“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

**“Cyberbullying”** means “bullying” and/or “harassment” as defined above that occurs through any form of electronic communication.

**“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.

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

**“Employee”** means any person receiving compensation from the District or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to the District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

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

**“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

**“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.

**“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 (including gender identity or expression), or sex.

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

**“School Property”** (owned, leased, or lent) 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 on a school bus, as defined in Vehicle and Traffic Law § 142.

**“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 Function”** means any school-sponsored extracurricular event or activity, whether located on or off school property.

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

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

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

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

### **III. BILL OF STUDENT RIGHTS AND RESPONSIBILITIES**

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

The Board of Education assures students that they shall have all the rights afforded them by federal and state constitutions. The District recognizes all federal, state, and local laws in connection with these rights and reminds students that certain responsibilities accompany these rights.

The District’s goals are to provide an environment in which a student’s rights are respected and to provide opportunities that stimulate and challenge each student to reach his or her highest potential. Opportunities such as participation in interscholastic sports may be curtailed when the student infringes upon the rights of others or violates the Code.

#### **All students have the right to:**

1. Seek participation in all District activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
2. Schools that are safe, orderly, and free of tobacco, alcohol, and drugs.

3. Clearly stated and challenging academic curriculum.
4. Courtesy and respect from one another and from staff.
5. An explicit and consistently administered discipline code.
6. Present their version, at an appropriate time, of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

**B. Student Responsibilities**

**All students have the responsibility to:**

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and obey all school codes and local, state, and federal laws, including those pertaining to illegal substances and weapons.
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. Accept consequences for individual actions, whether alone or in a group.
6. Dress appropriately for school and school functions.
7. Use language that is appropriate for a school environment.
8. Refrain from verbal, physical, and/or sexual harassment.
9. Refrain from any conduct that may constitute hazing
10. Refrain from any and all harassing/bullying/cyberbullying behaviors.
11. Not possess weapons on school property or at any school sponsored activities.
12. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

**IV. ESSENTIAL PARTNERS**

The essential partners are parents, grandparents or families, teachers, guidance counselors, principals, the Superintendent, Board of Education members, and other school personnel.

**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 and collaborate with the District to optimize their child(ren)'s educational opportunities.
2. Send their child(ren) to school ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Ensure legal absences are excused.
5. Insist their child(ren) be dressed and groomed in a manner consistent with the student dress code.
6. Help their child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their child(ren) understand them so that their children can help create a safe, supportive school environment.
8. Convey to their child(ren) a supportive attitude toward education and the District.
9. Build positive, constructive relationships with teachers, other parents, and their child(ren)'s friends.
10. Help their child(ren) 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 to study and ensure homework assignments are completed.
13. Teach their children, by example, mutual respect and dignity for all people regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

**B. Teachers**

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.

3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements;
  - b. Marking/grading procedures;
  - c. Assignment deadlines;
  - d. Expectations for students; and
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents, and other teachers concerning growth and achievement.
7. Engage in productive communication with other school personnel, including grade-level teachers and/or department colleagues.
8. Confront issues of discrimination bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination, bullying and/or harassment when the teacher individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

**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.

6. 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 (including gender identity or expression) or sex.
7. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Address personal biases that may prevent equal treatment of all students.
10. Report incidents of discrimination, bullying and/or harassment when the counselor individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

**D. Principals**

1. Promote a safe, orderly, and stimulating school environment, supporting active and engaging teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress and grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of, and student participation in, appropriate extracurricular activities.
5. Enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.
6. Engage in communication with parents as the need arises.
7. Promote a diverse and inclusive environment, pursuant to the Board of Education's Diversity Plan.
8. Maintain and enforce 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 (including gender identity or expression) or sex.
9. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

10. Report incidents of discrimination, bullying and/or harassment, when the principal individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.
11. Respond promptly to reports of discrimination, bullying and/or harassment, pursuant to District policy.

**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.
6. Emulate a diverse and inclusive learning environment and workplace.
7. Actively engage in communication with all District personnel, parents, community members, and students as the need arises.
8. Maintain and foster 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 (including gender identity or expression) or sex.
9. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Report incidents of discrimination, bullying and/or harassment when the superintendent individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.
11. Respond promptly to reports of discrimination, bullying and/or harassment, intimidation or bullying pursuant to District policy.

**F. Board of Education**

1. Collaborate with student, teacher, administrator, and parent organizations; and 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, and courteous manner.
4. Maintain and foster 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 (including gender identity or expression) or sex.
5. Confront issues of discrimination, bullying and/or 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.

## **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. 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. Ensure that undergarments are completely covered with outer clothing.
3. Include footwear at all times. Footwear that presents a safety hazard will not be allowed, including shoes, sneakers, or other footwear with wheels or other devices that can be adjusted to allow sliding or rolling, rather than walking or running.
4. Not include the wearing of hats, scarves, bandanas, hoods, or head coverings in the building except for a medical or religious purpose.
5. Not include items that are vulgar, obscene, libelous or denigrating to others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
6. Not promote and/or endorse the use of alcohol, tobacco, or other drugs and/or encourage other illegal or violent activities, including use of weapons.
7. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.

Each building principal, or his or 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 in violation of the dress code shall be asked to modify their appearance by covering or removing the offending item or replace it with an acceptable item. If needed, the parent or guardian will be required to provide appropriate clothing. Any student who refuses to modify their appearance shall be subject to discipline.

Student attire at after-school and evening activities, including dances, should be appropriate and display good taste in accordance with this dress code.

## **VI. PROHIBITED STUDENT CONDUCT**

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

### **A. Engage in conduct that is disorderly.**

Examples of disorderly behaviors include, but are not limited to the following:

1. Running in the 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 that 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. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

### **B. Engage in conduct that is insubordinate.**

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

1. Failing to comply with 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 classes or detention.

**C. Engage in conduct that is disruptive.**

Examples of disruptive conduct include, but are not limited to the following:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

**D. Engage in conduct that is violent.**

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

1. Committing an act of violence (such as hitting, kicking, punching, pushing or shoving, 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, pushing and shoving, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon or any other object that would appear to cause bodily injury.
5. Threatening to use any weapon.
6. 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.
7. Intentionally damaging or destroying school property.

**E. Engage in any conduct that endangers the safety, morals, health (physical or mental) or welfare of others.**

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, age, national origin, ethnic group, religion, religious practice, gender (including gender identity or expression), sexual orientation, weight or disability as a basis for treating another in a negative manner.

5. Harassment and bullying.
6. Intimidation, 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.
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, inappropriate language or swearing.
10. Smoking and/or possessing a lighted or unlighted cigarette, electronic cigarette (“e-cigarette” or “e-cig”), cigar, pipe, or similar devices, including but not limited to e-hookahs, hookah pens, vape pens; or using chewing or smokeless tobacco, including dip, chew, and/or snuff, in any form.
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, e-liquids, including propylene glycol (liquid nicotine), cannabinoids (marijuana), synthetic cannabinoids (e.g., K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike or “counterfeit” drugs, and any substances commonly referred to as “designer drugs”.
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to 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.

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

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

**G. Engage in any form of academic misconduct.**

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

1. Plagiarism.
2. Cheating.

3. Copying.
4. Altering or falsifying records.
5. Assisting another student in any of the above actions.

## **VII. PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND/OR BULLYING**

The District strictly prohibits discrimination, harassment and/or bullying against any student, by employees or students, that creates a hostile school environment by conduct, or by threats, intimidation or abuse, including cyberbullying.

### **A. Dignity Act Coordinator**

At least one (1) employee in every school building in the District shall be designated as a Dignity Act Coordinator and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex.

### **B. Disciplinary and Remedial Consequences**

The District is committed to the creation and maintenance of a positive learning environment for all students. To that end, the District will use measured, balanced, and age-appropriate responses to the discrimination and harassment, intimidation or bullying of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, eliminate the hostile environment, and protect the target of the act(s). Appropriate remedial measures will take into consideration the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual who was physically injured and/or emotionally harmed. Responses may include, but are not limited to:

- peer support groups;
- corrective instruction or other relevant learning or service experience;
- supportive intervention;
- behavioral assessment or evaluation;
- student therapy/counseling;
- parent conferences;
- schedule modifications;
- alternative placements;
- targeted use of monitors;
- involvement of parent-teacher organizations;

## **VIII. REPORTING VIOLATIONS**

All students are required to promptly report serious violations of the Code of Conduct to District staff. District staff members are required to promptly report violations of the Code of Conduct to their supervisor. All District staff members authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that may constitute a crime and substantially affect the order of security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and may constitute a crime. Such required notification includes conduct that constitutes harassment and/or bullying. Parents will be notified at the time police are contacted.

### **Acts of Discrimination, Harassment, or Bullying**

Any student, parent, teacher, staff member or visitor may report an incident of discrimination, bullying and/or harassment. Such reports may be made to any staff member, including the principal or the principal's designee, teachers, administrators, and guidance counselors. In the event that a report is made to a staff member other than the principal, such staff member shall immediately inform the principal or the principal's designee of the report. Allegations of discrimination, bullying and/or harassment will be treated as confidential and private to the extent possible.

All school employees and volunteers who have contact with students are required to report alleged violations of this policy to the principal or the principal's designee when the individual witnesses or receives reliable information regarding any such incident. The principal is required to inform the parents of all students involved in alleged incidents. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal as soon as possible.

The District will submit to the Commissioner of Education an annual report of material incidents of discrimination and/or harassment that occurred in such school year.

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the commissioner of education, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, shall have immunity from any civil liability that may arise from the making of such report or from informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person.

## **IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

In determining the appropriate 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 prior forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.

6. Student disability or religious/sacred institution.
7. The effects of the inappropriate behavior on the rights, well-being, and teaching of other students.
8. Other extenuating circumstances.
9. The student's performance in school.

**A. Penalties:**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination:

1. Oral warning.
2. Written warning.
3. Written notification to parent.
4. Detention.
5. Suspension from transportation.
6. Suspension from athletic participation.
7. Suspension from social or extracurricular activities.
8. Suspension of other privileges.
9. In-school suspension.
10. Removal from classroom by teacher.
11. Short-term (five days or fewer) suspension from school.
12. Long-term (more than five days) suspension from school.
13. Permanent suspension from school.

The length of time for the above penalties will be determined by the Administration using the principles of progressive discipline and in accordance with the provisions of the New York State Education Law.

**B. Procedures:**

School personnel 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, at an appropriate time, to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

1. After-school/Lunch Detention

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. In cases when After-School/Lunch Detention is reasonably objected to by the parent, other penalties will be considered.

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 his or her designee. In such cases, the student's parents will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education if the student is of compulsory attendance age.

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

### 3. Suspension from Athletic Participation, Extracurricular Activities, and Privileges

The student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved. Refer to District Athletic Code of Conduct and Extracurricular Code of Conduct to be developed.

### 4. In-School Suspension

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

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

### 5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and 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 leave the classroom briefly to give the student an opportunity to regain his/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 into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code 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/she is being removed and an opportunity to explain his/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/she was removed from the classroom and the teacher must give the student a chance to present his/her version of the relevant events within 24 hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal or 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, the principal or designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal and teacher to discuss the reasons for the removal.

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

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

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

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

The principal or 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, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/she has verified with the principal or the Pupil Personnel Services Office 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, that may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

### a. Short-Term (5 days or fewer) Suspension from School

When a principal or designee proposes to suspend a student charged with misconduct for five (5) days or fewer pursuant to Education Law § 3214(3), they must immediately notify the student verbally. If the student denies the misconduct, the principal or designee must provide an explanation of the basis for the proposed suspension. The principal or designee must also notify the student's parents verbally and in writing that the student is suspended from school. 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, 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 decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five (5) business days unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent 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's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (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 thirty (30) days of the decision.

b. Long-Term (More than 5 Days) Suspension from School

When the building principal determines that a suspension for more than five (5) days may be warranted, he or she shall provide reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within ten (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 thirty (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.

d. Periods of Suspension:

1) Students Who Bring a Weapon to School

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least five (5) days and possibly for one (1) calendar year or more. 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 performance 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.

2) Students Who Commit Violent Acts Other than Bringing a Weapon to School

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3) Students Who Repeatedly Substantially Disrupt the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority over the Classroom

Any student who repeatedly substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five (5) 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, a Superintendent's hearing will be held in accordance with the preceding provisions of this Code.

e. 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/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 incorrigible, ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

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 firearm to school, or

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

## **X. ALTERNATIVE EDUCATION**

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

## **XI. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

### **A. Authorized Suspensions or Removals of Students with Disabilities**

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

A **“student with a disability”** means a student who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and section 200.1(zz) of the Commissioner of Education regulations, and who, because of such classification, needs special education or related services.

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

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

An **“IAES”** means a temporary educational placement for a period of up to forty-five (45) days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum although in another setting, to continue to receive those services and modifications, including those described on the student’s current Individualized Education Programs (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

1. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Superintendent may order placement of a student with a disability into an IAES for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a student without a disability would be subject to suspension for the same behavior.

- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a student without a disability would be subject to suspension for the same behavior.
- c. The Superintendent may order additional suspensions of not more than twenty (20) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the same of a controlled substance while at school or a school function or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
  - 1) “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 1/2 inches in length.”
  - 2) “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.
  - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 2. Subject to specified conditions required by both federal and state law and regulations, a hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student’s current educational placement poses a risk of harm to the student or others.

**B. Change of Placement Rule**

- 1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- a. For more than ten (10) consecutive school days; or
  - b. For a period of ten (10) consecutive school days or fewer if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving violence with or without weapons, illegal drugs or controlled substances.

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

1. The District's Committee on Special Education shall:
  - a. conduct a functional behavioral assessment and implement a behavioral intervention plan, provided that the District had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change in placement; or
  - b. if a behavioral intervention plan has already been developed, meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change in placement.
  - c. conduct 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; and such review must be made as immediate as possible, but in no case later than ten (10) school days after:
    - 1) a decision is made by the Superintendent of Schools to change the placement of a student to an interim alternative educational setting; or
    - 2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting; or
    - 3) a decision is made by the Board of Education, building principal or Superintendent to impose a suspension that constitutes a disciplinary change in place.

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

The District shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:

- a. the parent of such student has expressed concern in writing to the Director of Pupil Personnel Services or CSE Chairperson or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
  - b. the parent of the student has requested an evaluation of the student; or
  - c. a teacher of the student, or other personnel of the District, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of PPS or CSE Chairperson of the District or to other supervisory personnel of the District in accordance with the District's established child find or special education referral system.
3. A student is not a student presumed to have a disability for discipline purposes if:
    - a. the parent of the student has not allowed an evaluation of the student; or
    - b. the parent of the student has refused services; or
    - c. it was determined that the student is not a student with a disability pursuant to state and federal laws and regulations.

Parents will be notified of disciplinary removal upon the date the decision is made and shall be provided the Procedural Safeguards Notice. The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or fewer shall be provided with the same opportunity for an informal conference available to parents of students without disabilities under the Education Law. The removal of a student with disabilities other than a suspension or placement in IAES shall be conducted in accordance with the due process procedures applicable to such removals of students without disabilities, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services to the extent required under IDEA.



**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:
  - a. during the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or infliction of serious bodily injury, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
  - b. if school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES except where the student is again placed in an IAES.
2. The District shall arrange for the expedited due process hearing according to the following time period, unless the parent and the District mutually agree in writing to waive the resolution meeting or agree to use mediation:
  - a. A resolution meeting shall occur within seven (7) days of receiving notice of the due process complaint.
  - b. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of receipt of the due process complaint.
  - c. The expedited due process hearing shall occur within twenty (20) school days of the date the complaint requesting the hearing is filed.
  - d. The impartial hearing officer shall make a determination within ten (10) school days after the hearing.

No extension to an expedited impartial hearing timeline may be granted.

The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, to the Board of Education and to the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) of the New York State Education Department within ten (10) school days after the hearing.

**E. Referral to Law Enforcement and Judicial Authorities**

1. In accordance with the provisions of IDEA and its implementing regulations:
  - a. The District may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

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

## **XII. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden.

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

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

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

## **XIII. STUDENT SEARCHES AND INTERROGATORIES**

### **A. Student Lockers, Desks, and Other School Storage Places**

Students may be assigned lockers in which they are allowed to store their personal property. These lockers are school property and can be inspected or searched at any time. While students are assigned a lock or combination, this lock is for the purpose of protecting the students' property and does not create an expectation of privacy. Lockers, like all parts of a school building, including desks and other areas in which students are allowed to store their personal property, remain School District property and are subject to inspection and search at any time. This also applies to desks, computer files, vehicles on school property, backpacks, and any other school storage.

### **B. Police Involvement in Searches and Interrogations of Students**

Any representative of an outside agency must have permission of the building principal or designee before interviewing a student. Such permission will be in accordance with established procedures. Before police officials are permitted to question or search any student under the age of 16, the building administrator or his or her designee or a police official shall first try to notify the student's parent or guardian, unless police have a valid search warrant, to give the parent the opportunity to be present.

1. Law enforcement personnel may not have access to a student for questioning about a crime alleged to have been committed by the student unless they meet one of the following criteria:
  - a. they have a warrant for the student's arrest; or other court order authorizing the student's removal; or
  - b. they have probable cause to believe a crime has been committed by the student on school property or at a school function; or

- c. they have been requested by school officials to investigate a reported or suspected crime.
2. Child Protective Services personnel shall be assisted by school principals to fulfill their mandated responsibilities. If there is suspected abuse or maltreatment, the school authorities shall permit the student to be interviewed on school property by the Child Protective Services (CPS) caseworker. Such interviews shall be conducted in the presence of a school principal or qualified designee when appropriate. In those cases where CPS determines that the student is in imminent danger, and a Family Court application is not possible, they have the authority to take the student into protective custody without the consent of the student's parent.
3. Any other access to a student shall be allowed only after consent of a parent or guardian is secured.

#### **XIV. VISITORS TO THE SCHOOLS**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or 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 office of the principal or designated area. There they will be required to sign the visitor's register and will be required to wear 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 before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Any unauthorized person on school property will be reported to the principal or his designee as soon as possible. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

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

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

### **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 property or the personal property of a teacher, student, administrator, other District employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that advocate violence, 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 race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, including but not limited to inhalants, e-liquids including propylene glycol (liquid nicotine), cannabinoids (marijuana), synthetic cannabinoids (e.g. K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike or “counterfeit” drugs, and any substances commonly referred to as “designer drugs”, or be under the influence of either alcohol or controlled substances 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 District.
11. Loiter on or about school property.

12. Refuse to comply with any reasonable order of identifiable District officials performing their duties.
13. Willfully incite others to commit any of the acts prohibited by this Code.
14. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
15. Smoke and/or possess a lighted or unlighted cigarette, cigar, pipe, electronic cigarette (“e-cigarette” or “e-cig”) or similar devices including but not limited to e-hookahs, hookah pens and vape pens; or use chewing or smokeless tobacco, including dip, chew, and or snuff in any form. Smoke or use of other tobacco products or non-tobacco products including but not limited to, electronic cigarettes (“e-cigarettes” or “e-cigs”).
16. Commit acts which threaten the safety and welfare of persons on school property.
17. Gamble on school property or at a school function.

**B. Penalties**

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

1. Visitor’s 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 shall be subject to disciplinary action as the facts may warrant, in accordance with any due process requirements.
3. Employees shall be subject to disciplinary action in accordance with applicable legal rights.
4. The District may initiate disciplinary action against any student or staff member, or visitor as appropriate. The District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

**C. Enforcement**

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

**XVI. DISSEMINATION AND REVIEW**

The Board directs the Superintendent to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of the 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. Mailing a plain language summary of the Code to all persons in parental relation to students before the beginning of each school year and making this summary available later upon request.
3. Providing all existing teachers and other staff members with a copy of the complete Code and a copy of any amendments to the Code as soon as practicable after following initial adoption or amendment of the Code.
4. Providing all new teachers and students with a complete copy of the current Code upon their employment/enrollment.
5. Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.
6. Providing training to students and staff about the Dignity for All Students Act, the prohibition against discrimination and harassment, intimidation or bullying, and the availability of each school's Dignity Act Coordinator.

The Superintendent will implement in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs to the management and discipline of students.

The Board of Education will review this Code of Conduct every year and update it as necessary. The Board may appoint an advisory committee to assist in reviewing the Code. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

Before adopting any revisions to the Code, the Board will solicit public feedback at a regular or special meeting at which school personnel, parents, students, and any other interested party may participate.

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

Ref.: Education Law § 3214; 8 NYCRR § 100.2 (1) 8 NYCRR Part 201; Executive Law Article 15; Chapter 482 of the Laws of 2010

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