

CODE OF CONDUCT

Guidelines for Character Development and Student Support



**Rockville Centre Union Free School District
128 Shepherd Street
Rockville Centre, NY 11570**

*Approved by the Board of Education of the
Rockville Centre Union Free School District
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I. INTRODUCTION

The Rockville Centre Board of Education (“Board”) is committed to providing a safe, supportive and orderly school environment where all individuals are treated with respect and students may receive, and District personnel may deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, District personnel, parents and 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, inclusivity and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property or at school functions or at times when the action disrupts the educational process 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 Guidelines for Character Development and Student Support (“Code”).

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

In addition, Attachments A & B reflect our recognition of the unique developmental needs of elementary and middle school-age students.

II. GOALS OF THE CODE

The goal of the Code is to ensure all students the right to an education in a safe, civil, and supportive learning environment. The Code is based on laws, regulations, and policies which provide access to education for all, while protecting the due process rights of the individual. The Rockville Centre School District Code serves as a guide to good citizenship and civic obligations. The Code addresses both the expectations of conduct and the development of character in the Rockville Centre School Community. Compliance with the expected behaviors outlined in this Code will help students develop self-management and social emotional efficacy, and enable students to improve and correct inappropriate and or unacceptable behaviors.

III. DEFINITIONS

For purposes of this Code, the following definitions apply:

Academic Dishonesty: Includes plagiarism; copying another’s work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member.

Behavioral and Academic Problem Solving and Planning Conference: A teacher, student support team member or administrator engages the student in a conference and action plan when unproductive and ineffective behaviors or mind sets are impeding academic success and high functioning in the classroom.

Behavior Infractions: Student behaviors that are inappropriate (not appropriate in school setting), unacceptable (not unacceptable in any setting), or unskillful (behavior not yet learned

or demonstrated skillfully) that warrant clear, fair, timely, and standardized consequences and interventions.

Bomb Threat: The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging.

Bullying/Harassment: The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- 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 include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For purposes of this definition the term "threats, intimidation or abuse" includes verbal and non-verbal actions. (NY Education Law § 11.7)

Child Protective Services (CPS): The local governmental agency responsible for providing child protection, which includes responding to reports of child abuse or neglect.

Consequence: A result that follows from an action or condition.

Controlled Substance: A drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.E. 20402-9328: 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234)

Criminal Behavior: Any behavior that is considered an infraction against municipal, State, or Federal laws.

Cutting Class: Unauthorized absence from a mandatory class or school activity or function.

Cyberbullying: Harassment or bullying as defined above, where such harassment and bullying occurs through any form of electronic communication. (NY Education Law § 11.8)

Dangerous Implements: Any implement or substance used as a weapon to inflict bodily harm, including any objects or implement capable of causing harm or used in such a way as to cause harm to another; this includes but is not limited to laser pointers, pencils, and scissors.

Denial of Bus Transportation: The temporary or permanent withholding of bus transportation. During the period of denial of school bus transportation, parents or legal guardians are responsible for transporting the student to and from school.

Detention: The supervised retention of students during the school day or after school for the purposes of increasing student self-awareness, self-management, and social skills and helping the student to understand the impact of their behavior provide real-time opportunities to correct behavior, and set goals to improve behavior and restore relationships.

Disability:

- 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
- a record of such an impairment or
- a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (NY Executive Law § 292.21)

Disruptive Student: An elementary or secondary student under the age of twenty-one who is substantially disruptive to the educational process or substantially interferes with the teacher's authority within the classroom.

Due Process: A fundamental, constitutional guarantee of basic fairness, particularly in regard to disciplinary proceedings. Due process ensures that students will be afforded notice of the proceedings; an investigation that solicits information from all parties involved, an opportunity to be heard in a meaningful way in a timely manner, and an evidence-based decision that is reasonable and proportional to the incident.

Electronic Communication: a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, iPads, Smartwatches, video gaming systems or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, Instagram, and twitter.

Emotional Harm: in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is as severe or pervasive as to unreasonably and substantially interfere with a student's education.

Employee: any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (NY Education Law § 1125.3)

Gender: actual or perceived sex, and shall include a person's gender identity or expression. (NY Education Law § 11.6)

Hazing: A specific form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student's willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- Humiliation: socially offensive, isolating or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
- Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.

The term "hazing" includes, but is not limited to, any activity that intimidates or threatens student with ostracism, or adversely affects the health or safety of the student; or any activity that cause or requires the student to perform a task or act that is an infraction of State or Federal law or District Policies/regulations.

IEP (Individualized Education Program): A legal written document required for children who are eligible to receive special education services. The members of the IEP team provide detailed information on children's performance, offer direct support and services to students, set annual goals, and evaluate student's progress on a regular basis.

Illegal Drug: 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.

Illegal Substances: Substances, including, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."

Intentional Destruction to Personal or School Property or Vandalism: Damage, destruction or defacement of property belonging to the school or any individual person.

Interventions: Specific programs, strategies, restorative conferencing protocols, skill building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

Parent: Parent, guardian or person in parental relation to a student.

Positive Behavioral Interventions & Supports (PBIS): Positive behavioral interventions and supports is a school-wide framework of universal expectations, shared language, and common policies and practices that support a safe, civil, caring, and supportive learning environment. It encourages positive student behavior through the promotion of social and emotional competence and prevention of inappropriate, unacceptable, and unskillful behaviors, targeted interventions for students who meet specific criteria and conditions associated with specific

interventions, and more intensive and individualized interventions for students with high needs who are at greatest risk for healthy development and school success.

Progress Monitoring: Progress monitoring involves the assessment of a student's regular use of desired target behaviors that support improved behavior and academic performance. The process usually lasts for three to six weeks during which the teacher and the student use a tool with an easily measured rating scale to reflect on the students' performance and use of specific behaviors from day to day and week to week.

Protective Hairstyles includes, but is not limited to, such hairstyles as braids, locks and twists.

Race includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

Rules: An explicit set of enforceable regulations or principles that govern or guide conduct. They provide specific instructions about what to do and not to do in specific contexts; thus, rules are stated using either positive or negative language. Typical school rules provide direction for personal deportment: What you may wear; what you may bring to school; where you can go and when you can go there. Rules foster a sense of order, calm, and purposefulness, prerequisites for establishing a learning-focused culture.

Safe, Civil, Caring, and Supportive Learning Environment: This phrase is used throughout the Code to name the critical qualities of a learning environment that enable every student to behave responsibly and succeed academically.

School Bus: Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. Education Law § (1) and Vehicle and Traffic Law §142.

School Function: Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. Education Law § 11(2).

School Property: Outside grounds, all structures, and any space 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.

Serious Bodily Injury: Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. Serious Bodily injury will be verified by the school nurse.

Sexual Orientation: actual or perceived heterosexuality, homosexuality, or bisexuality. (NY Education Law § 11.5)

Social and Emotional Learning (SEL): The process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and

management emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.

Student-Student Mediation: An adult, a student and adult, or student co-mediators facilitate a mediation to resolve conflicts between two students or a group or groups of students who have engaged in a verbal or physical inter-personal or inter-group conflict with each other.

Tardiness: Arriving late to school or class.

Theft: Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use; Robbery, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon; Theft/possession/transfer of stolen goods, which includes the act of possessing or transferring the property of another without the consent of the owner.

Tobacco Infractions: Possession, use, sale or distribution of tobacco or tobacco products, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco.

Trespassing: Being on school property without permission, including while suspended or expelled; includes breaking and entering.

Violent student: A student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so,
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so,
- possesses, while on school property or at a school function, a weapon,
- displays, while on school property or at a school function, what appears to be a weapon,
- threatens, while on school property or at a school function, to use a weapon,
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property, or at a function,
- knowingly and intentionally damages or destroys school district property.

Weapon: a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to 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.

IV. 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, supportive, orderly and civil school environment, all District students have the right to:

- Participate in all District activities on an equal basis regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- To proceed in a safe, supportive and orderly school atmosphere without the fear of threat to their well-being.

B. Student Responsibilities:

All District students have the responsibility to:

- Treat other students with respect and dignity.
- Promote a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Follow all building-level safety and security protocols
- Carry and present ID when requested
- Abide by all District policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Work to develop mechanisms to manage and control their anger.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Adhere to the building dress code for school and school functions.
- Respect and take responsibility for all school property, including, but not limited to, District technology, equipment, textbooks and materials.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the District when participating in or attending school-sponsored, extra-curricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

- Comply with all school rules, even those rules with which they disagree.
- Comply with the student agreements and/or contracts such as Peer Mediation Contract, Anti-Bullying Pledges, Student Rights and Responsibilities Agreement, Computer Use Agreement, Middle and High School Athletic Contracts.
- Seek help for a fellow student who plans to harm themselves or others, is known to be in a detrimental home situation, or struggling with substance addiction by confiding in any school faculty member.

V. ESSENTIAL PARTNERS

A. PARENTS/PERSONS IN PARENTAL RELATION

1. Parent Rights:

- Be actively involved in their children's education.
- Be treated courteously, fairly and respectfully by all school staff.
- Receive timely information about the policies of the Rockville Centre Board of Education and procedures that relate to their children's education through website postings, emails, District social media accounts, and other communications.
- Receive regular reports from school staff regarding their children's academic progress or behavior, including but not limited to report cards, progress reports and conferences.
- Receive information and prompt notification of persistent disruptive behaviors by their children, infractions that impact their children and the school community, and any other serious disciplinary actions taken by principals or school staff.
- Receive information about the due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.
- Receive information from school staff about ways to improve their children's academic or behavioral progress, including but not limited to counseling, tutoring, after-school programs, academic programs, and mental health services within the Rockville Centre School District and the community.
- Be contacted immediately and directly when a student is believed to have committed crime and police are summoned.
- Receive communication through provided translators when necessary.
- File a complaint when there has been an infraction or misapplication of a written provision of school policy.

2. Parent Responsibilities:

- Teach their children respect and dignity for themselves, and that all children have the right to attend school and be treated with respect and dignity in compliance with mandates outlined in the Dignity for All Students Act (DASA).
- Recognize that the education of their children is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school daily and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that appropriate rules are required to maintain a safe, supportive and orderly environment.
- Know school rules and help their children understand them so their children can help create a safe, supportive school environment.
- Convey to their children a supportive attitude toward education.
- Build good relationships with teachers and treat all school staff courteously, fairly and respectfully.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Follow school rules.
- When in a school building, carry personal identification at all times and present upon request.
- Provide updated contact information to the Rockville Centre School District office and their children's individual school via the District's online enrollment parent portal.

B. TEACHERS

All District teachers are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex that will strengthen students' self-concept and promote confidence to learn.
- Maintain confidentiality in accordance with federal and state law.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Communicate to students and/or parents:
 - Course objectives and requirements.
 - Marking/grading procedures.
 - Assignment deadlines, when appropriate.
 - Expectations for students.
 - Classroom discipline plan.
 - Links to all online resources such as Google classroom.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.
- Support all students' social and emotional development by building positive relationships with all students within the building; modeling, teaching, practicing, and assessing social and emotional competencies; and supporting and facilitating restorative interventions.
- Teach appropriate coping strategies, as needed, to foster positive and prosocial skills needed for academic and social-emotional success.

C. DIGNITY ACT COORDINATOR (DAC):

The DAC should:

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn every day.
- Oversee and coordinate the work of the District-wide and building-level bullying prevention committees;
- Annually train all faculty, staff and students on the Dignity for all Students Act (DASA).
- Maintain all records of DASA incidents, investigation and findings, and submit necessary data for state reporting.
- Identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources;
- Coordinate with the Professional Development Committee training in support of the bullying prevention committee;
- Be responsible for monitoring and reporting on the effectiveness of the District's anti-bullying, harassment and discrimination policy and regulations (DASA policy);
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students.
- The individual filling the DAC position will be selected by the Superintendent, in consultation with the building Principal, and approved by the Board of Education. If for any reason the position of DAC becomes vacant, a new DAC must be appointed within 30 days of vacancy.
- The DASA coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity and expression and sex. The DASA coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity for All Students Act.

D. SCHOOL COUNSELORS, SCHOOL PSYCHOLOGISTS, SOCIAL WORKERS

School counselors, school psychologists and social workers are expected to:

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

- Review with students their educational progress and career plans, maintain career planning portfolios, and monitor all graduation requirements.
- Maintain confidentiality in accordance with federal and state law.
- Encourage students to benefit from the curriculum and extra-curricular programs.
- Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- Make known to students and families the resources in the community that are available to meet their needs.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.
- Support all students' social and emotional development by building positive relationships with all students within the building; modeling, teaching, practicing, and assessing social and emotional competencies; and supporting and facilitating restorative interventions.
- Teach appropriate coping strategies, as needed, to foster positive and prosocial skills needed for academic and social-emotional success.
- Maintain communication with students on suspension to ensure students are making educational progress in alternate educational settings, and check on social emotional functioning and mental health.
- Maintain consistent communication with students who are in a remote-learning status, home instruction or other instructional setting outside the school building.

E. OTHER SCHOOL PERSONNEL

Other School Personnel should:

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

- Report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to a teacher's or individual's attention to the building administrator and/or DASA coordinator in a timely manner.
- Support all students' social and emotional development by building positive relationships with all students within the building; teaching, practicing, and assessing social and emotional competencies; and supporting and facilitating restorative interventions.

F. PRINCIPALS AND OTHER ADMINISTRATORS

Principals and other administrators are expected to:

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Ensure that students and staff have the opportunity to communicate regularly with the principal or administrator and approach them for redress of concerns.
- Maintain confidentiality in accordance with federal and state law.
- Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- Support the development of and student participation in appropriate extra-curricular activities.
- Provide support in the development of the Code, when called upon. Disseminate the Code and anti-harassment policies.
- Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

G. SUPERINTENDENT

The Superintendent is expected to:

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management. Inform the Board about educational trends relating to student discipline.

- Maintain confidentiality in accordance with federal and state law.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with District administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner.

H. BOARD OF EDUCATION

The Board of Education is expected to:

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Maintain confidentiality in accordance with federal and state law.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Board member's attention in a timely manner.
- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- Adopt and review, at least annually, the District's Code to evaluate its effectiveness and the fairness and consistency of its implementation.
- Lead, through example, by conducting Board meetings in a professional, respectful, courteous manner.

VI. STUDENT DRESS CODE

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

and appearance, shall be safe, appropriate and not disrupt or interfere with the educational process.

Specifically:

- Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed.
- Clothing items shall not be vulgar, obscene, discriminatory, and libelous or denigrate others for any reason, including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Anything that promotes and/or endorses the use of alcohol, tobacco or illegal drugs and/or encourages other illegal or violent activities may not be worn.
- Shirts must be worn at all times.
- Underwear must be completely covered with outer clothing.
- Hoods are not permitted to be up during school hours.
- Shorts, skirts and dresses must not be shorter than 4-6 inches above the knee.

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

Nothing in this policy will be construed to restrict students from wearing hairstyles which are historically associated with race (such as hair textures and protective hairstyles like braids, locks or twists).

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline up to and including being sent to the Alternative Study Center 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. Repeated violations may also result in further disciplinary action.

VII. PROHIBITED STUDENT CONDUCT

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

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

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

The Board recognizes the need to make its expectations specific and clear for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. All violations apply to student behavior in school, on school property, on school buses, and at school-sponsored functions, and student behavior off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment.

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:

- Running in the hallways
- Making unreasonable noise
- Using language or gestures that are profane, lewd, vulgar or abusive
- Obstructing vehicular traffic
- Engaging in any willful act that disrupts the normal operation of the school community
- Encouraging others to engage in any willful act which disrupts the normal operations of the school community.
- Trespassing in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Misusing computer/electronic communications and personal devices, including but not limited to any unauthorized use of cell phones, iPads, Air Pods, Smartwatches, laptops, or other portable devices, computers, software, or internet/intranet account, accessing inappropriate websites, sharing or stealing account information and/or passwords, 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:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
- Lateness and missing or leaving school without permission
- Skipping any detention or Alternative Study Center
- Failure to provide name or show student identification when asked by school employee

C. Engage in conduct that is disruptive.

Examples of disruptive conduct include but are not limited to:

- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students
- Conduct disruptive of the educational process and/or the social-emotional well-being of others or that substantially interferes with the teacher's authority over the classroom.
- Logging in or attempting to log into an online classroom and/or meeting for which the student was not invited to or permitted to attend

D. Engage in conduct that is violent.

Examples of violent behavior include but are not limited to:

- Committing an act of violence (such as hitting, shoving, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting or threatening to do so
- Committing an act of violence (such as hitting, shoving, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting or threatening to do so
- 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. Examples of weapons include but are not limited to guns, knives of any size, box cutters, razors, chains, pipes, martial arts paraphernalia, etc.
- Displaying what appears to be a weapon.
- Threatening to use any weapon
- 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.
- Intentionally damaging or destroying school District property.
- Driving recklessly or at excessive speeds on school grounds.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include but are not limited to:

- Subjecting other students, school personnel or any person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury
- Lying to school personnel
- Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function or stealing or attempting to steal anything that is school property
- 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
- Using a derogatory term(s) towards an individual or a group of individuals
- Discrimination, which includes using the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex as a basis for treating another in a negative manner or to deny them rights, equitable treatment or access to facilities, activities or benefits which are available to others.
- Harassment, as defined in the "Definitions" section of this Code.
- Sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, oral or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to Ms. Jeanne Love, Assistant Superintendent for Pupil Personnel Services and Special Education, who is the Title IX coordinator or to the Principal at South Side High School.

- Intimidation and/or threatening, which includes engaging in actions or statements that put an individual in fear of bodily harm
- Bullying, as defined in the “Definitions” section of this Code
- Cyberbullying, as defined in the “Definitions” section of this Code.
- Hazing, as defined in the “Definitions” section of this Code.
- Inappropriately using an electronic device to record students or staff
- Selling, using, distributing or possessing obscene material
- Using vulgar or abusive language, cursing or swearing, as well as slurs that refer to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex as a basis for treating another in a negative manner.
- Smoking a cigarette, cigar, pipe, or electronic cigarette or using chewing or smokeless tobacco, or vaping or possessing vape paraphernalia on school grounds
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include but are not limited to inhalants, marijuana, synthetic cannabinoids, THC oil, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
- Possessing drug paraphernalia that includes but is not limited to rolling papers, marijuana pipes, bongs, electronic vaporizers, etc.
- Inappropriately using or sharing prescription and over-the-counter drugs
- Gambling
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of “911” or discharging a fire extinguisher.
- Entering or leaving a building through unauthorized entrances
- Letting visitors into the building

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 or other conduct in violation of the Code will not be tolerated.

G. Engage in any form of academic misconduct, in both physical and digital workspaces. Examples of academic misconduct include but are not limited to:

- Plagiarism
- Cheating
- Copying

- Altering records
- Assisting another student in any of the above actions

H. **Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function or endangers the health, safety or morals of students or staff within the school. Examples of such misconduct include but are not limited to:**

- Cyberbullying as defined in the “Definitions” section of this Code.
- Threatening, hazing or harassing students or school personnel over the phone or through other electronic media

I. **Engage in inappropriate conduct while using Social Media**

- Misusing computer/electronic communications and personal devices, including but not limited to any unauthorized use of cell phones, iPads, Air Pods, Smartwatches, laptops, or other portable devices, computers, software, or internet/intranet account, accessing inappropriate websites, or any other violation of the District’s acceptable use policy
- Cyberbullying, as defined in the “Definitions” section of this Code.

VIII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code to a teacher, school counselor, school psychologist, social worker, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal’s designee or the Superintendent.

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of Code violations, including but not limited to incidents of harassment, bullying, and/or discrimination, which may constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or 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 and constituted a crime.

Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed, and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students or staff who observe bullying, harassing and/or discriminating behavior are encouraged and expected to

make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable District policies.

If an incident is considered to be an act of bullying, discrimination and/or harassment, the Administrator in charge of discipline will consult the Dignity Act Coordinator (DAC). If the act is determined to be an act of bullying, discrimination and/or harassment, a formal investigation will be conducted, an incident report is completed and appropriate disciplinary measures are taken.

Names and contact information of the District Dignity Act Coordinators follow:

South Side High School	Nicole Knorr	393-5221
	Ben Moss	255-8825
South Side Middle School	Jivanna Okolica	255-8998
	Shelagh McGinn	255-8976
Covert School	Maureen Bedell	255-8916
	Darren Raymar	255-8916
Hewitt School	Lisa Panebianco	255-8913
	Elizabeth Pryke	255-8913
Riverside School	Lisa Panebianco	255-8902
	Chris Zappia	255-8902
Watson School	Susan Buckheit	255-8904
	Jen Pascarella	255-8904
Wilson School	Maureen Bedell	255-8910
	Jim Duffy	255-8910

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

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

IX. DISCIPLINARY RESPONSES, INTERVENTIONS, CONSEQUENCES AND REFERRALS

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

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior and holding students responsible for their actions. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary responses, interventions and consequences will consider the following:

- The student's age and developmental level

- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- Any impact on the community.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- 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 and will focus more on teaching the student proper behaviors. Initial violations will, whenever possible, depending on severity, be met with restorative responses to help the students take accountability for their actions and to help them learn from mistakes. Restorative Practices (RP) are all those pedagogical and counseling methods used to repair harm caused in a school community. RP focuses on the whole student and their growth to help them develop their character. Examples of RP include goal-setting conferences, the use of Circles, Restorative Contracts, Restorative letters of apology, community service, etc. Restorative practices do follow the progressive nature of the Code, and therefore may include detentions and suspensions. One addition to those more severe responses is that they may include separate meetings for when the student returns to the school community.

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

A. RESPONSES, INTERVENTIONS, and CONSEQUENCES

- Students who are found to have violated the District's Code may be subject to the following responses either alone or in combination and consistent with the seriousness of the violation and the students' rights to due process. Oral warning
 - Which may include the development of specific behavioral goals with the student (in conjunction with trusting adults, teachers and/or counselors), mediation with other student(s), community service, and/or other restorative responses
- Written warning
 - Which may include the use of contracts and/or behavioral trackers and other restorative responses.
- Written notification to parent
 - Which may include a parent meeting with the student.
- Detention
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extra-curricular activities
- Suspension of other privileges
- Assignment to Alternative Study Center
- Removal from classroom by teacher

- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school

First Drug and Alcohol Offense- defined as the first time a student attends a school event on or off campus under the influence of or in possession of drugs or alcohol

- Drug offenses are unlike other behavioral issues in that they can lead to serious personal harm. A first-time drug offense will automatically lead to a five-day suspension from school and possible referral to the Superintendent for a hearing, which may lead to a long-term suspension. The suspension allows for the student to reflect upon his/her behavior and for families and the school to plan for appropriate supports for the student. Upon return from any drug-related suspension, the student will meet with his/her counselor to assess the needs and/or supports for the student, which may include recommendations for a drug/alcohol rehabilitation program. In addition to a five-day suspension, the student will have six school months' suspension from all school sponsored activities, including but not limited to sports, practices, clubs, dances, etc. Appeals, that may include participation in substance use counseling and/or screening, may lead to a reduction or reversal of exclusion from school sponsored activities.

Second Drug and Alcohol Offense-defined as the second or subsequent time a student attends a school event on or off campus under the influence of or in possession of drugs or alcohol:

- Five-day suspension from school and possible referral to the Superintendent for a hearing, which may lead to a long-term suspension
- Twelve-month suspension from all school and school sponsored activities including but not limited to sports, practices, clubs, dances, etc.

Upon successful completion of a recognized and approved out-of-school drug/alcohol rehab program, a student may petition the Superintendent of Schools to be allowed to fully participate in all school activities. However, the minimum length of time for a suspension from all school activities, after a first offense will not be less than three school months and after any subsequent offenses will not be less than six school months.

For any suspension from school lasting five days or longer, the student and parent will meet with a building administrator and a school counselor prior to the student returning to classes. This re-entry meeting will focus on providing support for the student's social-emotional and academic needs as they transition back into the school building, and will include appropriate in-school and outside referrals as needed.

B. Procedures

The due process rights that a student is entitled to are dependent 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 and the parent of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

Teachers, Principals and the Superintendent may use after-school or weekend detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental personal conflict to the penalty.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent 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.

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, extra-curricular activities and other privileges

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

4. Alternate Study Center

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

The student and the student's parents will be provided with a reasonable opportunity for an informal conference with the District official imposing the Alternate Study Center to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques.

In addition, teachers have the responsibility to help formulate and implement functional behavior assessments and behavior intervention plans for students with disabilities as per Part 200 and 201 of the Regulations of the Commissioner of

Education. The school psychologist will coordinate the writing of the functional behavior assessment and behavior intervention plan. Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For the purpose of this Code, 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 rules of behavior.

If a student becomes substantially disruptive, the teacher is required to do the following: Immediately call an administrator to the classroom who may remove the student from the class, issue a warning and/or institute a disciplinary action. If after doing so, the disruptive behavior continues, the student may be removed from class and placed in an alternate setting, where appropriate, for the remainder of the period.

A classroom teacher may remove a disruptive student from class for up to two days. This removal applies only to the class where the disruptive behavior took place. 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 of why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Such conversation shall take place with an administrator present. Only after the informal discussion may a teacher remove a student from class. A written referral describing the behavior must follow. The teacher will notify the principal/designee immediately of the incident.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately by calling for security through the attendance office. The principal/designee must also be notified immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four hours.

Within twenty-four hours after the student's removal, the principal/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 or she has the right, upon request, to meet informally with the principal or the principal's designee, as well as the teacher who instituted the removal, to discuss the reasons for the removal.

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

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

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the forty-eight-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/designee makes a final determination, or the period of removal expires, whichever comes first.

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

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

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

6. Suspension from School

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

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

Any staff member may recommend to the 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. 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, but not later than the close of the school day in which the incident occurred.

The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. The period of suspension will be determined by the building principal at each school for up to five days, or by the Superintendent, if the referring principal believes the suspension should be in excess of five days.

Fighting, possession of alcohol, illegal drugs, drug paraphernalia or weapons will result in a five-day suspension. In addition, offenders may be referred to the

Superintendent for a hearing and possible long-term suspension or removal from school.

Short-term Suspension from School (5 days or less)

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

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

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

After the conference, the principal shall promptly advise the parents, in writing, of his or her decision. The principal shall advise the parents that, if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 30 calendar 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 30 calendar 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 days of the decision.

Long-term Suspension from School (more than 5 days)

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

The Superintendent shall personally hear and determine the proceeding or may, at 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 30 calendar days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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 calendar days of the decision.

Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as when 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

Minimum periods of suspension for students who bring a weapon to school

Students found guilty of bringing a weapon (as defined in this Code) 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:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The Superintendent's belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others.
- Other extenuating circumstances
- A student with a disability may be suspended only in accordance with the requirements of state and federal law.

Minimum periods of suspension for students who commit violent acts other than bringing a weapon to school

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

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

Minimum periods of suspension for 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 education process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for one to five days. For purposes of this Code, "**repeatedly is substantially disruptive**" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students' subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students' subject to a long-term suspension. The Superintendent has the authority to modify the 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. Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination

The district supports the development of measured, balanced, and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, education, intervention and discipline. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment. Successful intervention **may** involve remediation.

Remedial responses to bullying, harassment and/or discrimination appropriately place the focus of discipline on discerning and correcting the reasons why bullying, harassment and discrimination occur. These remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

- Restitution and restoration;
- Peer support groups; corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;

- Behavioral management plans that are closely monitored;
- Student counseling; parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and discrimination. Environmental remediation strategies may include:

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

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

E. Referrals

Counseling

The School Counseling (Guidance) Office shall handle all referrals of students to counseling.

PINS Referrals

- ✓ The District may implement a PINS (person in need of supervision) diversion application on any student under the age of eighteen who demonstrates that he or she requires supervision and treatment by:
 - ✓ Being habitually truant and not attending school as required by Part 1 of Article 65 of the Education Law.
 - ✓ Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school; or.
 - ✓ Engaging in prostitution in violation of the Penal Law.
 - ✓ Appearing to be a sexually exploited child under Social Services Law 447-a(c) or (d), but the student must consent to the filing of the PINS petition.

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:

- ✓ Any student under the age of sixteen who is found to have brought a weapon to school, or
- ✓ Any student fourteen or fifteen years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
- ✓ The Superintendent is required to refer students, age sixteen and older, or any students who are fourteen or fifteen years old who qualify for juvenile offender status, to the appropriate law enforcement authorities.

X. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the 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 who violated the District's student Code, and/or to temporarily remove a student with disabilities who violate the district's student Code, and/or 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 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 the purposes of this portion of the Code and consistent with applicable law and regulations, the following definitions will apply:

1. *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.
2. *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)).

3. *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.
4. *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 Substance Act or under any other provisions of federal law.
5. *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 individual 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.
6. *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.
7. *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.
8. *Positive Behavioral Interventions & Supports(PBIS)*: Positive Behavioral Interventions and Supports is a school-wide framework of universal expectations, shared language, and common policies and practices that support a safe, civil, caring, and supportive learning environment and positive student behavior through the promotion of social and emotional competence and prevention of inappropriate, unacceptable, and unskillful behaviors, targeted interventions for students who meet specific criteria and conditions associated with specific interventions, and more intensive and individualized interventions for students with high needs who are at greatest risk for healthy development and school success.
9. *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.
10. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.

11. *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.
12. *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.
13. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
14. *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.

Authority of School Personnel to Suspend or Remove Students with Disabilities:

The Board, 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 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 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.

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 involves weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitations 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 suspension 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.

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.

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

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 t. 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 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 others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

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 substantial relationship to the student's disability, or
2. The direct result of the District's failure to implement the student's individualized educational program.

The manifestation team must base its determination on a review of 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 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 District's 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.
3. 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 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

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:

The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

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.

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).

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:

Protect oneself, another student, teacher or any person from physical injury.

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 the Commissioner's regulations.

XIII. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe, supportive 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. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, District and building administrators, the school nurse, and security officials (in the presence of an administrator) 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.

An authorized school official may conduct a search of a student and/or a student's belongings if the school official has reasonable suspicion to believe the search will result in evidence that the student has violated the law or District Conduct.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

An authorized school official may administer a Breathalyzer to any student suspected of being under the influence of alcoholic beverage, controlled or illegal substance or any synthetic version on school property or at a school function.

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

A. Student Lockers, Desks and other School Storage Places

The rules in this Code 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. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is a reasonable suspicion of danger to others or a specific, well-founded reasonable suspicion that a student has hidden illegal, prohibited, or dangerous articles or materials beneath his or her underwear, to the extent practicable, such student shall also be isolated and secured and law enforcement and the student's parents should be contacted immediately.

Searching a student's shoes, socks and sweatshirt, and the exposure of a student's ankles and waistband does not constitute a strip search where the student is not asked to remove his or her shirt or pants.

C. Documentation of Searches

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

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

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

D. Police Involvement in Searches and Interrogations of Students

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

- A search or an arrest warrant; or
- Probable cause to believe a crime has been committed on school property or at school functions.

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 unless exigent circumstances exist or the police present a compelling reason. 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 suspected of criminal activity and are interrogated by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

E. 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 the building principal or his or her designee. A child protective services worker may interview a child without parental consent or a court order when the child has been named as a victim in a report of suspected abuse or maltreatment, or is the sibling or resides in the same house as a named victim. The principal or his or her designee should confirm that a report was made and the children to be interviewed are appropriately related to that report. 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 services worker may not remove a student from school property without a court order, unless the worker has objectively reasonable evidence that an emergency circumstance exists; i.e. that harm to the child is imminent, and there is insufficient time to seek prior judicial authorization. reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained.

XIV. VISITORS TO THE SCHOOL

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:

- Anyone who is not a regular staff member or student will be considered a visitor.
- Visitors attending school functions during the school day that are open to the public, such as classroom or school events or public gatherings, are required to scan their identification at the ID scanner at the entrance of the school before being permitted into the building.
- Visitors should then report to the security desk upon entering the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the security desk before leaving the building.
- Visitors attending school functions outside of the school day that are open to the public, such as student performances and ceremonies or public gatherings, are not required to register.
- Visitors attending school functions outside of the school day that are open to the public, such as student performances and ceremonies or public gatherings, are not required to register.
- Any person who wishes to observe a classroom while school is in session must obtain permission, in advance, from the principal.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- 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.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

Guidelines for visitors to enter the building are subject to change based on external factors that might impact the safety of the building.

XV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, safe, supportive, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "**public**" shall mean all persons on school property or attending a school function including but not limited to students, teachers, District personnel and visitors.

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:

- Intentionally injure any person or threaten to do so.
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, marital status, sexual orientation, disability, military status, predisposing genetic characteristics or domestic violence victim status.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this Code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Violate rules and regulations on signage posted on school grounds.
- Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function
- 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Remove students from a classroom or school premises without the permission of an administrator.
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Consequences

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

- 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.
- Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.^[SEP]
- Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- Staff members in the classified service of the civil service: They shall be entitled to the protection of Civil Service Law V75. 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.
- Staff members other than those described in subdivisions 4 and 5: 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 right to pursue a civil or criminal legal action against any person violating the Code.

XVI. DISSEMINATION AND REVIEW

Dissemination

The Board will ensure that the District makes the community aware of this Code by:

- Posting a complete Code on the District's website, including any annual updates and any other amendments to the Code,
- Providing copies of the summary of the Code to all students, in an age-appropriate version, written in plain language. The Code should be reviewed with all students at the beginning of each school year.
- Providing a summary of the Code to students in student planners.
- Providing a plain language summary of the Code to all persons in parental relation to students before the beginning of each school year and making such summary available

thereafter upon request. Printed copies of the Code will also be available at the School District's Administration Offices and at every school's main office.

- Providing all 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 adoption.
- Providing all new employees with a complete copy of the current Code when they are first hired.

Complete copies of the Code will be made available for review by students, parents or other persons in parental relations to students, other school staff and other community members. The Board will ensure that the Dignity for All Students Act, Sexual Harassment Policy and the Code are reviewed annually by all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the District staff, particularly, teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

Review

The Board will review this Code and 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 review the Code. The committee will be made up of representatives of student, teacher, administrator, and the 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 and any amendments to it will be filed with the Commissioner no later than thirty days after adoption