

# HERRICKS UNION FREE SCHOOL DISTRICT

## CODE OF CONDUCT

Policy 5300

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### I. Introduction

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

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

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

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

### II. Definitions

For purposes of this code, the following definitions apply:

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

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

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

"Bus Misconduct" means behavior by a student which is detrimental to the safe operation of the school bus.

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

"Dangerous Instrument/Weapon" means possession, and/or threat, and/or use of knives, guns (real or look alike), or other objects readily capable of causing bodily harm.

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“Defamation” means making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

“Discrimination” means the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

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

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

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

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

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

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

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

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

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

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

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

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

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

"Harassment" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including, but not limited to, a person's actual or perceived:

- Race,
- Color,
- Weight,
- National origin,
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation, or
- Gender (including gender identity and expression)

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

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

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

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

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

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

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

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

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

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

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

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

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

“Smoking/Vaping” means possessing, using, selling, distributing, or exchanging tobacco products, e-cigarettes, vaporizers, liquid nicotine, and/or smoking paraphernalia on School properties, at school functions, athletic activities, and while on trips.

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

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

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

"Violent student" means a student under the age of twenty one (21) who:

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

"Weapon" means a rifle, shotgun, pistol, revolver, firearm, knife, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury.

### **III. Student Rights and Responsibilities**

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

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

1. take part in all School District activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity) or sexual orientation or disability.
2. present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

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

All School District students have the responsibility to:

1. contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. be familiar with and abide by School District policies, rules and regulations dealing with student conduct.
3. attend school every day unless they are legally excused and be in class, on time, and prepared to learn.

4. work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. react to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. work to develop mechanisms to manage their anger.
7. ask questions when they do not understand.
8. seek help in solving problems.
9. dress appropriately for school and school functions.
10. accept responsibility for their actions.
11. conduct themselves as representatives of the School District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **IV. Essential Partners (Board of Education, Superintendent of Schools, School District Administrators/Principals, Teachers, Guidance Counselors, Dignity Act Coordinator(s), School Parents, Non-Certified School District Personnel, and Parents)**

##### **A. All Essential Partners**

All essential partners are expected to:

1. maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity), which will strengthen students' self-concept and promote confidence to learn.
2. promote a safe, orderly and stimulating school environment that supports active teaching and learning.
3. know school policies and rules.
4. address personal biases that may prevent equal treatment of all individuals.
5. encourage students to benefit from the curriculum and extracurricular programs.
6. be familiar with the code of conduct.
7. help children understand the School District's expectations for maintaining a safe, orderly environment.
8. support student participation in appropriate extracurricular activities.
9. report rumors of threats of physical injury or damage to property to school officials.

### **B. Parents**

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

1. recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the School District to optimize their child's educational opportunities.
2. send their children to school ready to participate and learn.
3. ensure their children attend school regularly and on time.
4. ensure absences are excused.
5. ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. convey to their children a supportive attitude toward education and the School District.
9. build positive, constructive relationships with teachers, other parents and their children's friends.
10. help their children deal effectively with peer pressure.
11. inform school officials of changes in the home situation that may affect student conduct or performance.
12. provide a place for study and ensure homework assignments are completed.

### **C. All School District Personnel**

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

1. demonstrate concern for student achievement.
2. know school policies and rules, and enforce them in a fair and consistent manner.
3. maintain confidentiality in conformity with federal and state law.
4. communicate regularly with students, parents and other teachers concerning growth and achievement.
5. participate in school-wide efforts to provide adequate supervision in all school spaces.
6. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. assist students in coping with peer pressure and emerging personal, social and emotional problems.

9. support the development of and student participation in appropriate extracurricular activities.

### **D. Teachers**

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

1. be prepared to teach.
2. demonstrate interest in teaching and concern for student achievement.
3. communicate to students and parents:
  - a. course objectives and requirements
  - b. marking/grading procedures
  - c. assignment deadlines
  - d. expectations for students
  - e. classroom discipline plan.

### **E. Guidance Counselors**

In addition to the responsibilities set forth in A and C above all guidance counselors are expected to:

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

### **F. Principals/ Administrators**

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

1. ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
2. evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
3. support the development of and student participation in appropriate extracurricular activities.
4. provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.



5. be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

### **G. The Dignity Act Coordinator(s)**

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

1. oversee and coordinate the work of School District-wide and building-level bullying prevention initiatives.
2. 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.
3. coordinate, with the Professional Development Committee, training in support of bullying prevention.
4. be responsible for monitoring and reporting on the effectiveness of the School District's bullying prevention policy.

### **H. Superintendent of Schools**

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

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

### **I. Board of Education**

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

1. develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
2. collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, School District personnel and visitors on school property and at school functions.
3. adopt and review at least annually the School District's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

4. lead by example by conducting Board meetings in a professional, respectful, courteous manner.

### V. Student Dress Code

Students will give proper attention to personal cleanliness and dress in a manner consistent with the dress code expectations of the School District. These expectations are designed to aid students in character development by cultivating their respect for self and others. Students and their parents have the primary responsibility for meeting the dress code expectations of the School District. All School District personnel are expected to assist students in understanding and achieving the set standards. All School District personnel shall dress appropriately and help students develop an understanding of appropriate appearance in the school setting.

A student's clothes, grooming and appearance shall be safe, appropriate and not disrupt or interfere with the normal functioning of school. All items should be chosen with attention to the appropriate fit, length, and coverage to avoid exposing undergarments during students' daily activities. In addition:

- Students should be sure to wear secure footwear. Flip-flops, for example, may pose a danger if students need to move quickly in an emergency situation.
- Shorts and skirts should be an appropriate length for school – children should be able to sit (both on the floor and on a chair), play, and participate in all school activities with ease.

A student's dress, grooming, and appearance shall not include:

- the wearing of hats and/or hoods in the school building, except for a medical or religious purpose;
- items that are vulgar, obscene, libelous, or denigrating on account of race, color, creed, national origin, sexual orientation, or disability; symbols of hate are not permitted;
- the promotion and/or endorsement and/or encouragement of the use of alcohol, tobacco, illegal drugs, weapons, e-cigarettes, vape paraphernalia, smoking, and/ or any other illegal or violent activities; and
- gang affiliations – items such as, but not limited to: bandanas, gang symbols and/or colors are not permitted.

The dress expectations are posted on the website and the responsibility to be familiar with these expectations lies with the student and parents.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.

### VI. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, School District personnel and other members of the school community, and for the care of school facilities and equipment. In addition to its right to impose discipline, the Board of Education reserves the right to pursue the cost of repair to damages caused by a student's misconduct in accordance with its rights under the law.

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

The Board of Education recognizes the need to make its expectations for student conduct specific and clear 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 consequences for their conduct.

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

- A. Engage in conduct that is disorderly, disruptive, disrespectful, and/or defiant, including, but not limited to:
  - 1. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 2. Any sexual behavior and/or contact.
  - 3. Obstructing pedestrian traffic in hallways, stairwells, and doorways.
  - 4. Intentionally obstructing vehicular traffic.
  - 5. Engaging in any willful act which disrupts the normal operation of the school community.
  - 6. Intentionally damaging or destroying, including graffiti or arson, the personal property of a student, teacher, administrator, other School District employee, or any person lawfully on school property or attending a school function.
  - 7. Intentionally damaging or destroying school property.
  - 8. 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.
  - 9. Dishonesty (lying, lying by omission, knowingly sharing false information).
  - 10. Failing to comply with reasonable directives of teachers, school administrators, or other school employees/ contractors in charge of students.
  - 11. Failing to comply with assigned consequences.
  - 12. Leaving school or classroom without permission.
  - 13. Unexcused tardiness or absenteeism.

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14. Trespassing on school grounds or entering a school building without administrative permission and authorized supervision.
15. Failing to vacate school grounds at the conclusion of school authorized activities.
16. Being in an unauthorized area without supervision.
17. Using drones on or above school property except as authorized by school personnel with the permission of the Superintendent of Schools or his/her designee.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.

C. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:

1. Fighting or engaging in violent behavior.
2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
3. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
4. Threatening another with bodily harm.
5. Obstructing vehicular or pedestrian traffic.
6. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.
7. Hiding evidence of an illegal act or school violation.
8. Hazing.
9. Discriminating against another individual(s).
10. Defaming another individual.
11. Bullying (including cyberbullying) another individual.
12. Harassing another individual.
13. Selling, using, distributing or possessing obscene material.

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14. Using vulgar or abusive language, cursing or swearing.
  15. Smoking a cigarette, ecigarette, personal vaporizing device, cigar, pipe or using chewing or smokeless tobacco.
  16. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  17. Inappropriately using or sharing prescription and over-the-counter drugs.
  18. Gambling.
  19. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  20. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- D. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on School District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- E. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Altering the work of others without permission.
  6. Assisting another student in any of the above actions.
- F. 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. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  2. Threatening or harassing students or school personnel over the phone or other electronic medium.

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

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

### **VII. Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his/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 any school employee.

The Principal of the building or his/her designee is expected to impose disciplinary sanctions in a prompt, fair and lawful manner. School District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to the principal or his/her designee. The Principal or his/her designee shall investigate the alleged violation and take appropriate action in accordance with this Code of Conduct.

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

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

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

1. The student's age.

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### A. Penalties

Students who are found to have violated the School District's code of conduct may be subject to the following penalties, either alone or in combination. The penalties noted are not listed in progressive order.

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

### B. Procedures

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

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

### 1. Detention

Teachers, principals and the Superintendent of Schools may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The Board believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by a school administrator or teacher. A teacher or staff member is responsible for making his/her arrangements for his/her assigned detentions. When a student is assigned detention, the School District should attempt to notify the parent(s)/guardian(s) of the student.

At the secondary level, detention may be assigned in progressive increments of one hour, up to a maximum of three (3) hours in one session. After school detention will not be assigned to elementary school students.

### 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 of Schools or his/her designee. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the family not be able to provide alternate transportation the School District will provide alternate education for the period of suspension.

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 School District official imposing the suspension to discuss the conduct and the penalty involved.



### 4. In-school suspension

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

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

### 5. Teacher 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 cases the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other School District staff member for counseling. The teacher is expected to implement progressive steps of discipline before removing a student from class. This should include referrals to pupil support services. The steps must also include a conference with the student and his or her parents/guardians.

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

If a teacher finds that a student's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events. In all other cases, the teacher shall provide the student with an explanation of

the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the pupil's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

The building principal shall inform the person in parental relation to such student of the removal and the reasons therefor within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The student and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the building principal to discuss the reasons for the removal. If the student denies the charges, the building principal shall provide an explanation of the basis for the removal and allow the student and/or person in parental relation to the student an opportunity to present the pupil's version of relevant events. Such informal hearing shall be held within forty-eight (48) hours of the student's removal, provided that if such forty-eight (48) hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the student's removal.

The teacher must complete a School District-established disciplinary referral form as soon as possible prior to the end of that class period if at all possible. The teacher must meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or his/her designee is not available the teacher must leave the form with the secretary and meet with the principal or his/her designee prior to the beginning of classes on the next school day.

Any disruptive student removed from the classroom by the classroom teacher shall be offered alternative continued educational programming and activities until he or she is permitted to return to the classroom. A removed student may not be temporarily placed in a regular teacher's classroom. Appropriate classwork must be provided for the removed student by the removing teacher.

Each teacher must keep a complete log for all cases of removal of students from his/her class. The principal or his/her designee must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, after five (5) days of removal a manifestation hearing will be conducted. If the removals are not the result of a student's handicapping condition, said removals are not considered a change of placement.

### 6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent of Schools and the building principals. Any staff member may recommend to the Superintendent of Schools or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent of Schools for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent of Schools or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence

does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his/her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they may file a written appeal to the Commissioner of Education within thirty (30) days of the decision.

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

When the Superintendent of Schools determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. 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/her behalf. The Superintendent of Schools shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenae in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent of Schools. The report of the hearing officer shall be advisory only, and the Superintendent of Schools may accept all or any part thereof.

An appeal of the decision of the Superintendent of Schools may be made to the Board of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the School District clerk within five (5) business days of the date of the Superintendent of Schools' decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the Superintendent of Schools. Final decisions of the Board of Education may be appealed to the Commissioner within thirty (30) days of the decision.

Permanent suspension from school

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

Student offenders of School District Policy 0115 (Dignity for All Students Act) will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken in accordance with this Code of Conduct. Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors.

### C. Minimum Periods of Suspension

#### 1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent of Schools has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent of Schools' belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

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

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five (5) 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 (5) 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 of Schools and/or the Principal has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least two days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension (short term suspension from school), 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 (5) day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent of Schools has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent of Schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### D. Referrals

1. Counseling

The Guidance Office & the Office of Student Services shall handle all referrals of students for counseling.

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

### **IX. Alternative Instruction**

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

### **X. Discipline of Students with Disabilities**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Education also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

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

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

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

An "IAES" means a temporary educational placement for a period of up to forty-five (45) days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. The IAES will enable the student (a)

to continue to progress in the general curriculum, although in another setting, (b) to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), so that the student may meet the goals set forth in the IEP. The IAES will include services and modifications to address the behavior which precipitated the IAES that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
  - a. The Board, the District (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent of Schools may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent of Schools determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent of Schools may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent of Schools may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."



- 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

### **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than ten (10) consecutive school days; or
  - b. for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the School District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The School District's Committee on Special Education shall:

- a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the School District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than ten (10) school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the School District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The Superintendent of Schools, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the School District had knowledge the student was a student with a disability, the School District either:
  - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation within fifteen (15) days shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the School District, which can include suspension.

3. The School District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent of Schools hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be

bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

### **D. Expedited Due Process Hearings**

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

- 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be conducted in accordance with the requirements of the regulations of the Commissioner of Education.

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

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

1. The School District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent of Schools shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **XI. Corporal Punishment & The Use Of Physical Force**

The Board of Education asserts that corporal punishment is not an acceptable method of enforcing decorum, order or discipline, and that corporal punishment is contrary to the purposes of education. The board prohibits the use of corporal punishment by School District employees.

1. No teacher, administrator, officer, employee or agent in the School District shall use corporal punishment against a student.
2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student, except as otherwise provided in subdivision 3.
3. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts. It may also be used for the following purposes:
  - a. to protect oneself from physical injury;
  - b. to protect another student or teacher or any other person from physical injury; or
  - c. to protect the property of the School District or another.

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The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes. Alternative procedures and methods not involving the use of physical force include:

- a. the use of language which reduces hostility;
  - b. issuing clear directions to the offending student;
  - c. explaining the consequences of the student's actions to the student; and
  - d. enlisting the aid of another School District employee.
4. With respect to any and all incidents involving the use of physical force by a School District employee, the School District employee shall ensure that:
    - a. the dignity and integrity of the employee and his/her profession are maintained; and
    - b. the rights of the student have not been violated.
  5. Whenever an incident has occurred during which a School District employee has had physical contact in any way that could be construed as physical force or corporal punishment, the School District employee must give a full, clear, factual and objective report of the incident to the Building Principal.
  6. A student who has been subjected to physical force by a School District employee or the parent(s)/guardian(s) of such a student may file a grievance in accordance with the procedures outlined in the School District's student grievance regulation.

### **Investigation of Complaints**

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

### **Reports to Commissioner of Education**

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

### **XII. Student Searches and Interrogations**

The Board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the School District code of conduct. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. In addition, the Board of Education authorizes the Superintendent of Schools, building administrators and School District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the School District code of conduct.

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include, but are not limited to:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the School District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. School District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent of Schools or the school attorney. Strip searches may only be conducted in a discreet location by an authorized school official of the same sex as the student being searched and in the presence of another School District professional employee who is also of the same sex as the student. In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the School District code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search. School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### **Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

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

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

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

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

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



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that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

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

### **Documentation of Searches**

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

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

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

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

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

1. a search or an arrest warrant; or
2. probable cause to believe a crime has been committed on school property or at a school function; or

3. been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or his/her designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

### **Child Protective Services Investigations**

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

All requests by Child Protective Services to interview a student on school property shall be made directly to building principal or his/her designee. The principal or his/her designee shall set the time and place of the interview. The principal or his/her 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/her clothing in order for the child protective services worker to verify the allegations, the school nurse or other School District medical personnel must be present during that portion of the interview. No student may be required to remove his/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 reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

### **XIII. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the security guard at the point of entry upon arrival at the school. Visitors will be required to produce a form of identification (e.g. driver's license) and explain the reason(s) for the visit. 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 principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The School District security or the police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **XIV. Public Conduct on School Property**

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

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly.

The School District recognizes that free inquiry and free expression are indispensable to the objectives of the School District. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other School District employee or any person lawfully on school property, including graffiti or arson.
3. Use language or gestures that are profane, lewd, vulgar or abusive.
4. Engage in any sexual behavior and/or contact.
5. Obstruct pedestrian traffic in hallways, stairwells, and doorways.
6. Intentionally obstruct vehicular traffic.
7. Engage in any willful act which disrupts the normal operation of the school community.
8. Intentionally damage or destroy, including graffiti or arson, the personal property of a student, teacher, administrator, other School District employee, or any person lawfully on school property or attending a school function.
9. Steal or attempt to steal the property of students, school personnel, or any other person lawfully on school property or attending a school function.
10. Be dishonest (lying, lying by omission, knowingly sharing false information).
11. Fail to comply with reasonable directives of teachers, school administrators, or other school employees/ contractors in charge of students.
12. Trespass on school grounds or entering a school building without administrative permission and authorized supervision.
13. Fail to vacate school grounds at the conclusion of school authorized activities.
14. Be in an unauthorized area without supervision.
15. Use drones on or above school property.
16. Disrupt the orderly conduct of classes, school programs or other school activities.
17. 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.
18. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
19. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
20. Obstruct the free movement of any person in any place to which this code applies.
21. Violate the traffic laws, parking regulations or other restrictions on vehicles.

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22. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
23. 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.
24. Loiter on or about school property.
25. Gamble on school property or at school functions.
26. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
27. Willfully incite others to commit any of the acts prohibited by this code.
28. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
29. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
30. Commit an act of violence (such as hitting, kicking, punching, and scratching) upon a student or any other person lawfully on school property or attempt to do so.
31. Possess a weapon.
32. Display what appears to be a weapon.
33. Threaten to use any weapon.
34. Fight or engage in violent behavior.
35. Subject students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
36. Intimidate any student, school personnel or any other person lawfully on school property or attending a school function.
37. Threaten another with bodily harm.
38. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.
39. Hide evidence of an illegal act or school violation.
40. Haze.
41. Discriminate against another individual(s).
42. Defame another individual.
43. Bully (including cyberbullying) another individual.
44. Harass another individual.
45. Sell, use, distribute or possess obscene material.
46. Smoke cigarettes, cigars, pipes or use chewing or smokeless tobacco while on school grounds or at a school function.
47. Possess, consume, sell, distribute or exchange alcoholic beverages or illegal substances, or be under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

48. Inappropriately use or share prescription and over-the-counter drugs.
49. Engage in an act of indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
50. Initiate a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
51. Engage in misconduct while using technology.
52. Litter or walk animals on school property.

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

1. Those in attendance at School District athletic events (home or away) are expected to demonstrate positive enthusiasm without causing harm, danger or embarrassment to others or to the school.
2. Everyone is to demonstrate common sense – respect opponents, players, coaches and officials and maintain self-control in their actions.
3. All in attendance are to be in compliance with School District’s Code of Conduct, academic eligibility policy, the athletic departments return to play policies as well as follow team regulations and procedures.
4. Smoking (including cigarettes, ecigarettes, pipes and personal vaporizing devices), consuming alcohol, and/or using illegal substances is strictly prohibited.
5. Game officials, school administrators, coaches, teacher chaperones and/or security can have unruly fans removed from a contest facility.
6. All in attendance should be aware that the school can (and will) remove them from the premises and can prohibit them from attending future contests due to undesirable behaviors.

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

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

8. Acknowledge good plays by both teams.
9. Accept victory and defeat with pride and compassion.
10. Those in attendance are not at an event to intimidate or ridicule, but to support and enjoy the competition.

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

#### **Communication Protocol**

1. Appropriate concerns to discuss with Coaches
  - a. Treatment of you/your child mentally and physically
  - b. Ways to help you/your child improve
  - c. Concerns about you/your child's behavior
2. Inappropriate concerns to discuss with Coaches
  - a. Playing time
  - b. Team strategies or calling plays
  - c. Other student athletes

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

### **B. Penalties**

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

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

### C. Enforcement

All School District employees shall be responsible for enforcing the conduct required by this code.

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

### XV. Notices

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

### XVI. Dissemination and Review

#### Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete Code of Conduct on the School District's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board of Education will provide training for all School District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent of Schools may solicit the recommendations of the School District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the School District's professional development plan, as needed.



### **Review of Code of Conduct**

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board of Education will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. Before adopting any revisions to the code, the Board of Education will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

Adoption date: June 20, 2012 (5300.75)

Adoption Date: June 19, 2001

Revision Date: April 15, 2009

Revision Date: July 12, 2010

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