

**2023-2024**



# **Johnson City Code of Conduct**

**Policy #5300**



**Date of Board Adoption: July 2023  
Johnson City Central School District, Johnson City NY**



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# JOHNSON CITY CENTRAL SCHOOL DISTRICT

## CODE OF CONDUCT

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### I. Introduction

The Johnson City Central School District Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference.

The district is committed to:

- ensuring each student is healthy, safe, engaged, supported, and challenged;
- helping students develop self-discipline and social and emotional growth;
- guiding students in the improvement and corrections of inappropriate, unacceptable, and unsafe behaviors;
- the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Healthy and safe school climates, as well as successful school discipline policies and practices, are guided by the following philosophical principles:

1. School discipline should be administered fairly, equitably, and consistently, and in accordance with due process protections. Schools must not allow exclusionary discipline to disproportionately impact specific groups of students. Where such disparities exist, school systems must make continuous efforts to understand the causes of and reduce such disproportionality.
2. To the extent possible, school staff should be provided access to interventions and supportive services, as well as adequate training and professional development to administer discipline most effectively and appropriately.
3. We are committed to providing staff with adequate training, professional development, and strategies to most effectively and appropriately address student behaviors.

The district has 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/guardians, and other visitors when on school property or attending a school function. This code is not all-inclusive of the district’s policies regarding safety and behavior. However, to the extent that this code is in conflict with other policies and regulations of the district, the terms and provisions.

## II. Definitions

For purposes of this code, the following definitions apply.

“Academic Misconduct” means providing, receiving, or viewing answers to assessment items or independent assignments; using books, notes, notebooks, or electronic devices during an assessment without permission from a staff member.

“Behavior” is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

“Bullying” means any intentional act done willfully, knowingly, and with deliberation, by individuals or an individual, with the intent to cause harm. It is described as unwanted, aggressive behavior that is repeated, or has the potential to be repeated, over time and indicates an imbalance of power.

“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.

“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.

“Employee/staff” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §11 (4) and §1125(3)).

“Ethnic Group” means a group of people who identify with each other through common heritage including language, culture, and often a shared or common religion and ideology that stresses ancestry.

“Gender” means the behavioral or cultural traits typically associated with one sex.

“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 the internal deeply held sense of one’s gender, which may be the same as or different from one’s sex as assigned at birth.

“Harassment” means the creation of a hostile environment by conduct or verbal threats, intimidation, or abuse that has or would have the following effect: • reasonably and substantially interfering with a student’s educational performance, opportunities, or benefits; or • would reasonably be expected to cause a student to fear for his or her physical safety.

“Parent” means parent, guardian, or person in legal parental relation to a student (defined broadly to include guardian throughout the code of conduct).

“Protective hairstyles” includes, but are not limited to, such hairstyles as braids, locks, and twists.

“Race” is a group sharing some outward physical characteristics and some commonalities of culture and history.

“Relationships” are the way in which two or more people regard and behave toward each other.

“Respect” is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

“Responsibility” is an obligation to behave in accordance with social norms and be held accountable for one’s actions.

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

“School function” means any school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any virtual or out-of-state event or activity.

“Sexual orientation” means actual or perceived sexuality.

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

1. Commits an act of violence upon a school employee.
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.
3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
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 firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious sprays, explosive or incendiary bomb, or other devices, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

### **A. Student Rights**

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks,

and twists), weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability.

2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful and peaceful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:
  - a. Course objectives, requirements, and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

## B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and showing respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination
3. Be familiar with and abide by district policies, rules, and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. Respond to directions given by teachers, administrators, and other school personnel in a respectful, positive manner.
7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you
8. To be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## IV. Essential Partners

All members of our learning community- including students, staff, parents/guardians, and engaged community partners have a responsibility and play a key role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive culture and climate in the learning community.

Those responsibilities include but are not limited to the following:

### A. Parent/Guardian

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with your child to help demonstrate positive behaviors and achieve academic success.

To support this and their child, parents/guardians are encouraged to promote and participate in resolving incidents and conflicts.

To achieve this, all parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parent/guardian and the school community.
2. To collaborate with the district to maximize their child's success.
3. Ensure their child(ren) attend school regularly, are on time, and only misses school for excused reasons.
4. Support and help to promote the value and importance of your child's education.
5. Communicate to their child's school building about any concerns in a respectful and timely manner
6. Help your child(ren) understand the pressures of growing up in today's society and help them manage today's societal pressures effectively.
7. Provide a place for study and ensure homework assignments are completed and turned in accordingly.
8. Be respectful and courteous to all members of our school community.
9. Conduct themselves as representatives of the school community when attending school-sponsored events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

Parents have the right to:

1. Be actively involved in their children's education.
2. Be treated courteously, fairly, and respectfully by all school staff.
3. Have access to all school board policies and procedures that relate to their children's education
4. Receive communications, written or oral, from school staff regarding their children's academic progress or behavior.
5. Receive information and notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by the principal and/or school district.
6. Receive information about services for students with disabilities and English language learners or other school provide services when requested.

## **B. All School Staff**

The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to the school principal and/or designee so staff can work together to maintain a safe and orderly learning and work environment.

All school personnel are expected to understand that students may come to school having experienced traumatic and extremely difficult situations in their lives, which can significantly impact behaviors in school (e.g., anger, outbursts, withdrawal).

To accomplish this, all school personnel are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity

and expression) or sex.

2. Know and understand school policies and rules, and enforce them in a consistent, fair, and timely manner.
3. Demonstrate interest in education and genuine concern for student safety and achievement.
4. Maintain a professional demeanor and high level of confidentiality in conforming to all federal and state laws.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment, discrimination, or any situation that threatens the physical, or emotional health or safety of any person within the school community.
7. Address any behaviors that threaten the equal treatment of all students.
8. Be supportive and participate in helping to resolve conflicts.

Additionally;

### **C. Principals/Administrators**

1. Ensure that students and staff have the opportunity to communicate with the principal/administrators and have access to the principal/administrators for redress of grievances.
2. Maintain confidentiality in accordance with federal and state law.
3. Evaluate all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Provide support in the development of the code of conduct, when called upon.
6. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. 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.
9. Promote a student-focused approach in addressing student behaviors by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

### **D. Dignity Act Coordinator(s)**

The Dignity Act Coordinator(s) are as follows:

High School - Fred Deinhardt, 607-930-1009, [fdeinhardt@jcschools.stier.org](mailto:fdeinhardt@jcschools.stier.org)

Middle School - Julie Beard, 607-930-1012, [jbeard@jcschools.stier.org](mailto:jbeard@jcschools.stier.org)

Elementary School - Tracy D-Arpino, 607-930-1015, [tdarpino@jcschools.stier.org](mailto:tdarpino@jcschools.stier.org)

Their duties are as follows:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and
2. Protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
3. 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
4. Coordinate, with the Asst. Superintendent for Teaching, Learning, and Accountability, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.

6. Address and investigate 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 and staff.

In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator within 30 days of the date the position was vacated.

#### **E. Superintendent**

1. Inform the Board about educational trends relating to student discipline
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs.
4. Work with district administrators in encouraging a positive school climate, enforcing the code of conduct, and ensuring that all cases are resolved promptly and equitably.
5. Promote a responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

#### **F. Board of Education**

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support the achievement of the goals of the code of conduct.
4. Collaborate with school stakeholders to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
5. Adopt and review at least annually the district's Code of Conduct to evaluate the Code of Conduct's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. 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.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. The Board will promote a student-focused approach to addressing student behaviors by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

## V. Student Dress Code

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

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

1. Be unlikely to injure people or damage property, appropriate according to this code, and not substantially disrupt or materially interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that undergarments are covered by outer clothing (visible waistbands and straps are not violations).
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not cover the student's face to the extent the student is not identifiable, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate, harass, or discriminate against others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, religion, religious practice, disability, creed, national origin, ethnic group, gender (including gender identity and expression), sex, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or controlled substances, or illegal drugs and/or encourage other illegal or violent activities.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, nail color, or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

Each Building Principal or designee is 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.

Enforcement of these dress codes must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and minimizing loss of instructional time. Students whose appearance violates the student dress code are required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so will be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code will be subject to further discipline, up to and including out-of-school suspension.

## 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, district personnel, and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

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 mistakes or misbehavior. 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 learn from their behavior and grow in self-discipline.

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

Students may be subject to disciplinary action, up to and including, in extreme or egregious occurrences, suspension from school, when they:

A. Engage in conduct that is disorderly. Examples of this type of behavior include, but are not limited to:

1. Running or otherwise unsafe behavior in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Students are not permitted in any school building, during school hours, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate. Examples of this type of behavior include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating belligerence or disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive. Examples of this type of behavior include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating belligerence or disrespect.
2. Inappropriate public sexual contact
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, and cameras, in a manner that is in violation of district policy. (See policy # 5695.)

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, another school employee, another student, or any other person lawfully on school property.
2. 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.
3. Displaying, or selling a weapon or any object that resembles or is intended to be a weapon.
4. Use of a weapon, or threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property.
7. Possession, use, or sale of fireworks, or other dangerous or prohibited objects or contraband.

E. Engage in, attempt or intend to engage in any conduct that endangers the safety, physical or mental health, or welfare of others. Examples of such this type of behavior include, but are not limited to:

1. 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.
2. 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.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes using race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation, or abuse. (See policy, 0115.)
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes an induction, initiation, or membership process involving harassment (see policy 0115 for a more complete definition).
8. Selling, using, distributing, or possessing obscene material.
9. Using vulgar or abusive language, cursing, or swearing.
10. Smoking, possessing, selling, offering, distributing, or exchanging a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and

- regulation).
11. Possessing, consuming, selling, offering, manufacturing, 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 synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs” which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
  12. Inappropriately using or sharing prescription and over-the-counter drugs.
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophes without valid cause, misuse of 911, such as, but not limited to, discharging a fire extinguisher, activating a fire alarm, making a bomb or terroristic threat.
  16. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.
  17. Driving recklessly on campus.
  18. Trespassing. Being on school property without permission, including during a suspension; includes breaking and entering.
- F. Engage in misbehaviors otherwise prohibited by sections A-E of this section while on a school bus. Additionally, it is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to:
1. Conduct themselves on the bus in a manner consistent with established standards for classroom behavior.
  2. Remain seated.
  3. Keep objects and body parts inside the bus.
  4. Follow the directions from the bus driver or monitor.
- G. Engage in any form of academic misbehavior. Examples of academic misbehavior include, but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Stealing or altering records.
  5. Assisting another student in any of the above actions.
- H. Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misbehavior includes but isn't limited to threatening or harassing students or school personnel through any means off-campus, including cyberbullying. (See policy #0115.)

## VII. Reporting Violations

Because the district's goal is for making the school a community free of violence, intimidation, bullying, harassment, and discrimination, all students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, Administrator, Superintendent, or designee.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

All district staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to their supervisor or administrator, who will in turn impose an appropriate disciplinary consequence.

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

The Principal, Administrator, or designee must notify the school resource office and/or appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or designee learns of the violation.

## 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, if any;
4. The availability and effectiveness of other forms of discipline;
5. Information from parents/guardians, teachers and/or others, as appropriate and relevant;
6. Other extenuating circumstances.

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

If the conduct of a student is related to a disability or suspected disability, a referral to the Committee on Special Education may be necessary 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 their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

## PENALTIES

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- Verbal warning — any member of the district staff;
- Written warning — bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, superintendent;
- Written notification to parent — bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, superintendent;
- Detention — teachers, assistant principal, principal, superintendent;
- Suspension from transportation — director of transportation, principal, superintendent;
- Suspension from athletic participation — coaches, athletic director, assistant principal, principal, superintendent;
- Suspension from social or extracurricular activities — activity director, assistant principal, principal, superintendent;
- Removal from classroom by teacher — teachers, principal;
- In-school suspension — principal, superintendent;
- Suspension of other privileges — principal, superintendent;
- Short-term (five days or less) suspension from school — principal, superintendent, board of education;
- Long-term (more than five days) suspension from school — principal, superintendent, board of education;
- Permanent suspension from school — superintendent, board of education.

## Disciplinary and Remedial Consequences

The district emphasizes the creation and maintenance of a positive learning environment for all students. Measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education is needed to maintain the desired learning climate. Remedial responses which may be utilized include:

1. Peer support groups; corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored;
5. Student counseling and parent conferences.

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

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment;
2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research-based, systemic harassment prevention programs;
4. Modification of schedules;
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent-teacher organizations; and
10. Peer support groups.

## 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/guardians are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

1. Detention

Teachers, assistant principals, principals, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent/guardian has been notified and the student has appropriate transportation home following detention.

2. Suspension from transportation

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

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

3. Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214.

However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

#### 4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension.”

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

#### 5. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; provided that appropriate supervision or monitoring can still be maintained (3) sending a student to the principal’s office for a brief period of time during that particular class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to one day. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the teacher determines that a student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student an opportunity to present his or her version of the relevant events within 24-hours.

The teacher must notify the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or designee is not available by the end of the same school day, the teacher must provide written notice of the circumstances of the removal to the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or principal's designee must notify the student's parents/guardians, in writing, that the student has been removed from class and the reason(s) for the removal. The notice must also inform the parent that he or she has the right, upon request, made by the parent, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

The teacher who ordered the removal shall attend the informal conference, if held during the regular school day unless specifically excused by the principal or the principal's designee.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents/guardians a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal, [provided that if such forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the next school day]. The timing of the informal meeting may be extended by mutual agreement of the parent and principal, or principal's designee.

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

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

The principal or his or her designee may overturn a removal at any point between receiving notification of the removal from the teacher and the close of business on the day following the 48-hour period for the informal conference, [provided that if such forty-eight hour period does not end on a school day it shall be extended to the corresponding time on the next school day], if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

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

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

## 6. Suspension from school

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

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

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. Any staff members may recommend to the superintendent or the principal that a student be suspended. 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 who made the report.

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §321 4(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/guardians 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/guardians. 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/guardians.

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/guardians of the right to an immediate informal conference with the suspending authority. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority 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, or upon the expiration of the time designated for the conference, the principal shall promptly advise the parents/guardians in writing of his or her decision. The principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the superintendent’s decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendents’ decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision of the Board.

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

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

The superintendent shall hear and determine the proceeding or may, in his or her discretion, designate

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

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

f. Year-long or more suspension

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.

g. Procedure after suspension

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

## MINIMUM PERIODS OF SUSPENSION

### 1. Students who bring or possess a weapon on school property:

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

- i. The student's age;
- ii. The student's grade in school;
- iii. The student's prior disciplinary record, if any;
- iv. The superintendent's belief that other forms of discipline may be more effective;
- v. Input from parents/guardians, teachers and/or others, as relevant and appropriate;
- vi. Other extenuating circumstances;
- vii. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

### 2. Students who commit violent acts other than bringing or possessing a weapon on school property

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 days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long term suspension.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes 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 five days. For purposes of this code of conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during any ten-week period. If the proposed penalty is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one- year suspension for possessing a weapon.



## REFERRALS

### a. Counseling

The Guidance Office shall handle all referrals of students for counseling.

### b. PINS Petitions

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

- i. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
  - ii. 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;
  - iii. 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.
- c. Juvenile Delinquents and Juvenile Offenders - the superintendent is required to refer the following students to the appropriate authority or agency for a juvenile delinquency proceeding before the Family Court:
- i. Any student under the age of 16 who is found to have brought a weapon to or possesses a weapon in school, or
  - ii. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

## ALTERNATIVE INSTRUCTION

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



# Discipline of Students Classified as Having a Disability

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes. Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections.

The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

## A. Definitions

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

"Behavioral intervention plan" (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

"Controlled substance" means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

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

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

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

“Interim alternative educational setting” (IAES) means a temporary educational placement, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student’s individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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

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



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

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

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

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

“Suspension” means a suspension pursuant to §3214 of New York’s Education Law.

“Weapon” means the same as the term “dangerous weapon” under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

## **B. Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

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

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

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

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

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

### **C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

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

#### **D. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

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

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct. In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### **E. Parental Notification of a Disciplinary Change of Placement**

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

#### **F. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### **G. Manifestation Review**

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

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

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

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

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

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

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

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

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

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

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

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

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

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

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

### **I. Students Presumed to Have a Disability for Discipline Purposes**

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

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

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

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

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

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

## **J. Expedited Due Process Hearings**

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

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

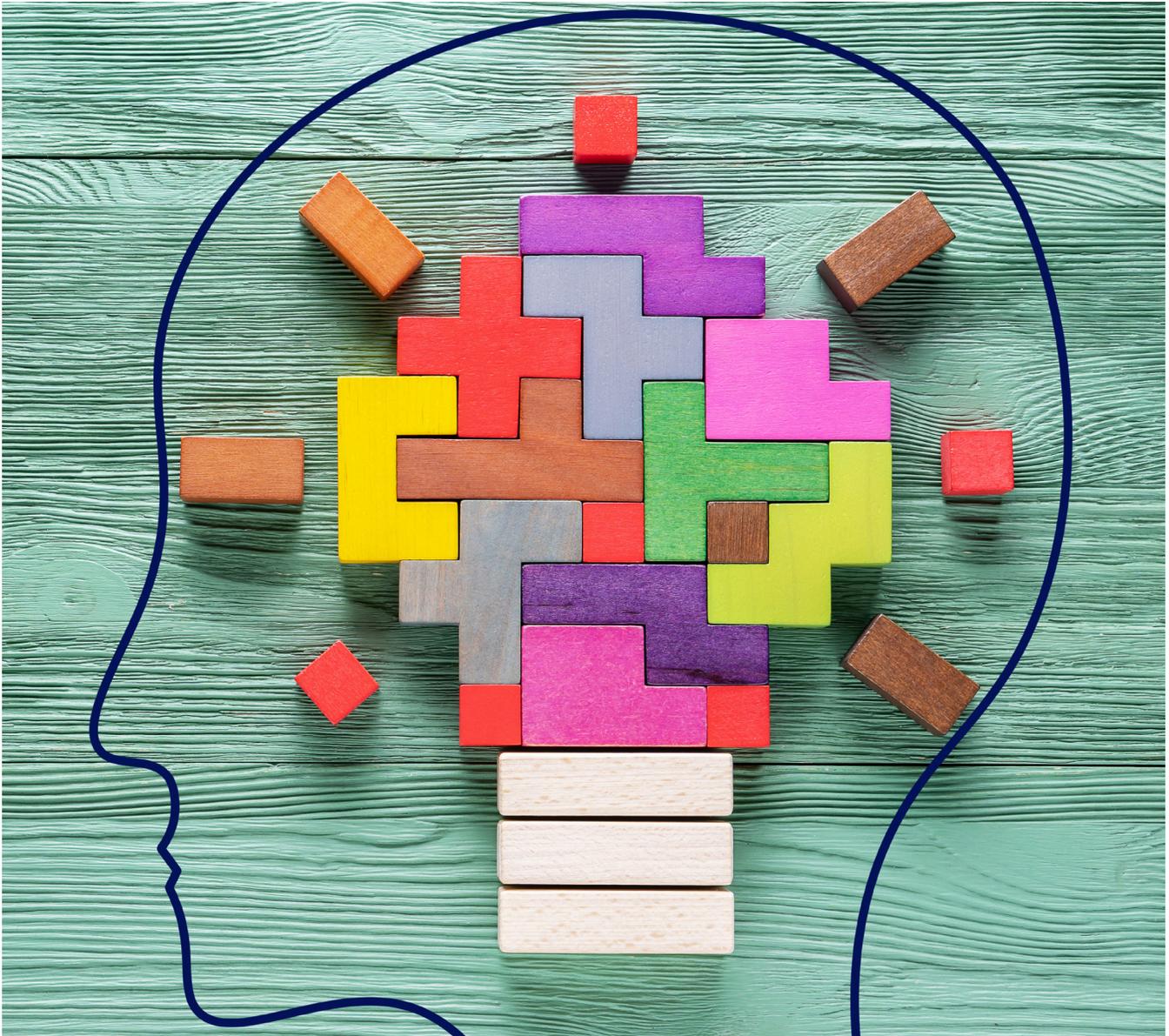
When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain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

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

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

## CORPORAL PUNISHMENT

Corporal punishment of any student by any district employee is prohibited in accordance with and subject to the provisions of Policy 5314.



# Student Searches and Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

Lockers (even if the student owns the lock), desks, cubbyholes, etc., are the property of the school and subject to inspection without cause, at any time, without notice or the student’s or parent’s permission or presence. Students should take this policy into account when deciding whether to store personal belongings in such places.

In addition, the board authorizes the superintendent, administrators, and the school nurses to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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 district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Searches of student’s person includes any search that involves physical contact with the student’s body, including clothing worn by the student, or the requirement that the student remove clothing, with the exception of outer garments such as coats, jackets, sweatshirts, sweaters, vests, etc. Removal of clothing shall be limited to removal of socks and shoes and articles of clothing that will not expose the student’s undergarments and private areas. These searches also include, but are not limited to pat-down searches, hand held metal detectors, alcohol sensing equipment, and the sniffing of a student by police search dogs.

Searches of the student’s person should be performed or witnessed by at least one school employee who is the same gender as the student searched.

These searches will only be undertaken if the school superintendent, building principal, assistant/associate principal or other administrator is present and if the administrator has reasonable grounds for suspecting that the search will uncover evidence that the student has violated or is violating the law or the rules of the school.

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

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



# Visitors to the Schools

Parents/guardians and other citizens of the District are encouraged to visit the schools to better understand the process of education.

In order to avoid disruption of the educational process, visitors are expected to comply with this policy, and other applicable District policies.

All visitors must report to the school office or other designated individual to request a visitor's pass to be allowed further access to the building unless previously invited to a classroom or assembly program.

Members of the School District staff, including students, teachers, volunteers, mentors and foster grandparents will treat parents/guardians and other members of the public with respect and expect the same in return. The District must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering school/district grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among the District employees, parents/guardians, and the public. We do not intend this policy to deprive any persons of his or her right to freedom of expression. Rather, we seek to maintain, to the extent possible and reasonable, a safe, productive and harassment-free environment for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, or aggressive actions. This District seeks public cooperation with this endeavor.

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the designated area or office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent- teacher organization meetings or public gatherings, are not required to register.

4. Parents/guardians or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building administrator and the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct, District policies, rules and regulations or any other applicable policy, regulation, rule or statute. Failure to abide by such rules may result in the immediate removal from the property and even arrest.



# Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, parents/guardians, teachers and district personnel. Policy 1520 Conduct on School District Property is incorporated herein by reference.

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

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

## A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so;
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
3. Disrupt the orderly conduct of classes, school programs or other school activities;



4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this code applies;
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function. The use of tobacco, tobacco products or look-alikes must not violate District policies or any statute or regulation;
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
11. Loiter on or about school property;
12. Gamble on school property or at school functions, unless the activity has received prior approval by the Board of Education;
13. Refuse to comply with any reasonable order of identifiable school district employees performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this code;
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## **B. Penalties**

A person who shall violate any of the provisions of these rules shall:

1. If they are a licensee or invitee, have their authorization to remain upon the district property withdrawn, and shall be directed to leave the premises. In the event of their failure or refusal to do so, they shall be subject to ejection and arrest.
2. If they are a trespasser or visitor without specific license or invitation, be subject to ejection and arrest.
3. If they are a student, be subject to suspension or such lesser disciplinary action as the facts of the case may warrant.
4. If they are a faculty member, be guilty of misconduct and be subject to dismissal or termination of their employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.
5. If they are a staff member entitled to the benefits of Civil Service Law Section 75, be guilty of misconduct and subject to the penalties prescribed in said section.
6. If they are a staff member, not entitled to the benefits of Civil Service Law Section 75, be guilty of misconduct and be subject to dismissal or termination of their employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

## **C. Procedure**

In case of a violation of this section:

1. The superintendent, building principal or designee shall inform any licensee or invitee, who shall violate any provision of these rules, that his license or invitation is withdrawn and shall direct them to leave the district grounds. In the event of their failure or refusal to do so, the superintendent or designee shall cause their ejection from such property.
2. In the case of any other violator who is neither a student nor faculty nor other staff member, the superintendent or designee shall inform the violator that they are not authorized to remain on the property of the district, and direct them to leave such premises. In the event of their failure or refusal to do so, the superintendent or designee shall cause their ejection from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation, or to affect his liability to prosecution for trespassing or loitering as prescribed in the Penal Law.

3. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in Section 3214(3) of the Education Law.
4. In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law.
5. In the case of a faculty member not having tenure, the superintendent will attend to the violation as agreed upon within the terms of the collective bargaining agreement.
6. In the case of any staff member who holds a position in the classified Civil Service as described in Section 75 of the Civil Service Law or is covered by Section 75 of the Civil Service Law, charges of misconduct for violation of any of these rules shall be made, heard and determined as prescribed in that section.
7. In the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provisions of Section 75 of the Civil Service Law, the superintendent attend to the violation as agreed upon within the terms of the collective bargaining agreement.

#### **D. Enforcement**

The Superintendent/designee shall be responsible for enforcing the conduct required by this code.

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

Disciplinary action against any student or staff member, as appropriate, will be initiated, with the "Penalties" section above. In addition, the right to pursue a civil or criminal legal action against any person violating the code will be reserved.

#### **E. Application of Rules**

These rules shall apply to all school property and school functions of the district and shall govern the conduct of students, teachers, staff members, as well as visitors and other licensees and invitees.

# Dissemination and Review

## A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students annually, as well as an annual meeting held at the beginning of each school year to review the Code of Conduct;
2. Making the Code of Conduct available to all parents/guardians at the beginning of the school year, via the District website;
3. Mailing a summary of the Code of Conduct written in plain language to all parents/guardians of district students before the beginning of the school year and making this summary available later upon request;
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 code available for review by students, parents/guardians and other community members via website and at each school office;

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

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

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents/guardians, students and any other interested party may participate.

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