

Code of Conduct 2019-2020

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I. INTRODUCTION

The Ontario Board of Education hopes that our students will become passionate learners who are empowered to achieve their dreams and act as good citizens of the world and of their community at large.

To achieve this goal, the Board strives to provide safe schools for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex and to ensure that all members of the school community assume personal responsibility and behave with a sense of mutual respect. The Board recognizes that to maintain such an environment, we must all live within certain boundaries and that inappropriate action by one person can infringe upon the rights of another. When conflicts arise, we are committed to abiding by the guiding principles of Positive Behavior Intervention and Supports (PBIS) with nonviolent resolutions that encourage personal growth, responsibility, recovery and that treat each individual with respect and dignity.

This Code of Conduct, consistent with Board Policies 3410 Code of Conduct On School Property and 7310 School Conduct and Discipline, describes the behavior that the Board expects from all members of the school community, identifies consequences if those standards are not met, and establishes procedures to ensure that discipline, when necessary, is prompt, fair, progressive and effective.

Attachment A defines the terms used in this Code.

II. STUDENT RIGHTS AND RESPONSIBILITIES

Students have a right to:	Students have the responsibility to:
A free, appropriate public education that will prepare them for active citizenship in a democracy.	Attend classes per Policy 7110 Comprehensive Student Attendance Policy, observe school rules, and work for satisfactory achievement.
A safe and secure environment that promotes academic and social/emotional learning.	Refrain from violence. Notify an adult of the presence of drugs, alcohol, weapons, harassment, and other violent acts or threats of violence.
Speak and be heard.	Listen to others.
Take part in any school activity on an equal basis.	Participate and support others in school events.
Be treated with courtesy and respect.	Be courteous and respectful.
Freedom from bullying, harassment, and other abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.	Speak up about and refrain from bullying, harassment, and other abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
Academic and emotional support.	Ask for help when it is needed and offer help to peers when needed.
Express themselves through their choices in clothing and appearance.	Adhere to the school Dress Code.
Communicate thoughts and beliefs that do not interfere with the rights of others or school operations.	Show consideration for people whose beliefs differ from their own.
Assemble peacefully.	Get permission from appropriate school personnel before assembling.
Learn strategies that develop cooperation, tolerance, and conflict resolution.	Use cooperative solutions.
Be informed of school policies and rules.	Abide by the Code of Conduct.

III. EXPECTED BEHAVIOR

All members of the school community should respect the rights and welfare of others, act ethically, and care for school facilities and equipment. The Board expects respectful behavior and civil conduct on all school property, including buses, and at all school functions, whether on or off school property.

The Board will not tolerate:

- threats of violence in school, per Policy 3412 Threats of Violence in School.
- possession or use of weapons or illegal materials.
- possession, distribution, use, or being under the influence of alcohol or illegal substances (including synthetic drugs).
- behaviors that infringe on the physical, social, mental, or emotional well-being of others, or that disrupt the safety and support of the educational environment.
- bullying, harassment, or discrimination on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, or for any other reason.
- academic misconduct (e.g., plagiarism, cheating, copying, altering records, forging documents such as passes, notes, etc., assisting another student in any of these actions).
- damage to school property, including buses, or the property of others, per Policy 7311 Loss or Destruction of District Property or Resources.
- the physical or electronic dissemination, posting, or sharing of materials that are obscene, advocate illegal action, or appear libelous to students or faculty.
- the posting of materials without the consent of the building administrator.
- entering or remaining on school property without authorization.
- violation of any federal, State or local law, or Board policy.

Attachment B describes specific expectations for staff, parents/guardians, and visitors. **Attachment C** describes specific expectations for students.

IV. DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing, and intimidation. The District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct that is inconsistent with the District's educational mission.

Consistent with Policy 3420 Anti-Harassment in the School District, the District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at school-sponsored events and activities that take place on or off of school property. In addition, any act of discrimination or harassment outside of school-sponsored events that can reasonably be expected to materially and substantially disrupt the educational process may be subject to discipline.

The Dignity Act Coordinators are as follows:

Phoenicia School: Linda Sella, 845-688-5580 Ext. 6111, lsella@onteorak12.ny.us

Woodstock School: Scott Richards, 845-679-2316 Ext. 5111, srichards@onteorak12.ny.us

Bennett School: Gabriel Buono, 845-657-2354 Ext. 4111, gbuono@onteorak12.ny.us

Middle School/High School: Dieter Schimmelpfennig, 845-657-2373 Ext. 2110, dschimmelpfennig@onteorak12.ny.us

V. DRESS CODE

All students and staff should show healthy and respectful attention to their personal cleanliness and clothing. Adults should model and reinforce acceptable dress for students. **Attachment E** lists the specific Dress Code rules, consistent with Policy 7312 Student Dress Code.

VI. REPORTING CODE VIOLATIONS

Each individual in the school community has the responsibility to report Code violations that they witness. Violations involving weapons, alcohol, bullying, harassment and intimidation, or illegal substances (including synthetic drugs such as synthetic cannabinoids) must be reported immediately. Students should report violations to the building principal or a guidance counselor, social worker, teacher, or any adult they trust. Adults should report violations in accordance with District policies 5573 “Whistle Blower” Protection Policy and 6410 Maintaining Discipline and Conduct. When Code violations break not only school policy but also the law, the school principal or designee may consult with the Superintendent of Schools to determine if law enforcement notification/involvement is warranted. Building/District administrators reserve the right to notify law enforcement agencies at their discretion.

VII. DISCIPLINE

The Board believes that the best discipline is that which is self-imposed. Adults should model self-discipline and help students accept responsibility for their actions.

Disciplinary action should be used only when necessary and in accordance with applicable contracts, laws, regulations, and policies. Such actions should not just punish, but also encourage personal growth and individual responsibility. Staff members authorized to impose discipline should act in a prompt, fair, progressive and problem-solving manner. School personnel administering student discipline should consider:

- The student’s age, learning style, and prior disciplinary record.
- The nature and circumstances of the offense.
- The effectiveness of any prior discipline.
- Information from parents/guardians, teachers, or others, as appropriate.
- Other extenuating circumstances.

Consequences. For students, these can range from an oral warning to permanent school suspension. Disciplinary action against staff will conform to law and applicable contracts. Visitors will be asked to leave the building. **Attachment D** more fully describes the possible consequences.

Procedures. All disciplinary action should adhere to District contracts, regulations, and policies. Students accused of misconduct should be told by authorized personnel of the nature of the accusation. If necessary, authorized school staff should investigate the facts surrounding the alleged misconduct. Students will have an opportunity to tell their version of the events. Students subject to penalties other than an oral or written warning or a written notification to their parents/guardians are entitled to additional rights before the consequence is imposed. **Attachment F** more fully describes disciplinary procedures.

Minimum suspensions. A student who brings a weapon to school will be suspended for at least one calendar year, unless the Superintendent modifies the penalty based upon the student’s age, grade, prior disciplinary record, the belief that other forms of discipline may be more effective, other relevant information from parent(s), teacher(s), or others, or other extenuating circumstances. A student who commits any other violent act or who repeatedly and substantially disrupts the educational process could be suspended for at least five days, unless the Superintendent modifies the consequence. **Attachment G** more fully describes minimum suspensions.

Alternative instruction for disciplined students. The District will provide alternative instruction within a reasonable amount of time to students removed from classes by teachers or suspended from school.

Referrals. Students may be referred for counseling, in-house District programs (e.g., Prime for Life, Peer Mediation, etc.), a Person in Need of Supervision petition through Family Court, or juvenile delinquency proceedings. **Attachment H** describes when students may be referred to such counseling or proceedings.

Disciplining students with disabilities. Students with known or suspected disabilities who are determined to have committed an act of misconduct will be referred to the District’s Committee on Special Education (CSE). A student will not be punished if the CSE determines that the conduct stems from the student’s disability. But when the CSE determines that discipline is warranted, the resulting disciplinary action will conform to the federal and State laws and regulations that govern the discipline of students with disabilities. Such students will not receive harsher punishments than students who are not disabled. **Attachment I** describes the specific policies for disciplining students with disabilities.

Use of physical force by staff. Corporal, or physical, punishment by District employees is strictly forbidden. However, reasonable physical force may be used to:

- Protect yourself or others from physical injury.
- Protect school or personal property.
- Restrain or remove a disruptive or violent student who refuses to refrain from disruptive or violent acts. If a therapeutic restraint is necessary, only trained staff members may perform the restraint. Each school building will maintain and disseminate to all staff a current list of staff members trained in TCI

The District Superintendent or designee will file reports on incidents of the use of physical force with the Commissioner of Education in accordance with Commissioner’s Regulations. The building principal or designee is responsible for enforcing these rules, as described in **Attachment J**.

VIII. STUDENT SEARCHES AND INTERROGATIONS

Searches. Police, as well as the Superintendent and District/building administrators, may search students and their possessions if there is reasonable suspicion.

By bringing a personal electronic device (including, but not limited to, cellular phones, smart phones, tablets, and laptops) to school, the student consents to a search of the device when school officials have reasonable suspicion that such a search will reveal a violation of the District Code of Conduct. The scope of the search will be limited to the violation which the student is accused of. Content or images that violate state or federal laws will be referred to law enforcement. The school district will cooperate with law enforcement officials as appropriate.

School computers, desks, lockers, and storage spaces are school property and may be opened and inspected by school officials without prior notice or student consent. Video surveillance footage may be accessed as part of a search process, consistent with Policies 5686 Use of Surveillance Cameras in the School District and 5751 Video Cameras on School Buses.

Questioning. School officials may question students about possible violations of school rules. The student’s parents/guardians may be contacted, depending upon the circumstances.

The police may enter the schools if a crime has been committed on school property, they have an arrest or search warrant, or if they have been invited by school officials. Prior to questioning students, police must read them their “Miranda rights,” and school administrators or police must diligently try to notify the students’ parents/guardians and give them the opportunity to be present.

Child Protective Services (CPS) may interview students on school property without notification to the parents/guardians regarding allegations of suspected child abuse, maltreatment, or neglect (including educational neglect).

Attachment K more fully describes the rules governing student searches and questioning.

IX. SCHOOL VISITORS

The Board encourages parents/guardians and other community members to visit our schools. All visitors must first sign in and obtain authorization for being on school premises during the instructional day. The building principal or their designees are responsible for all persons in the building and on the grounds. **Attachment L** more fully describes Policy 3210 Visitors to the School governing school visitors.

X. PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, respectful, and safe environment that is conducive to learning. All persons on school property or attending a school function, whether on or off school property, consistent with Policy 3410 Code of Conduct on School Property, shall conduct themselves in a respectful and orderly manner.

No person, either alone or with others, while on school property or attending a school function, shall:

- Intentionally injure or threaten to injure any person.
- Intentionally damage or destroy school property or the property of others, or remove or use such property without authorization.
- Disrupt the orderly conduct of classes, school programs, and activities.
- Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, or disability or any other discriminatory reason.
- Harass, including creating a hostile environment by conduct or by threats, intimidation, bullying, cyberbullying, or other abuse, as defined in **Attachment A**.
- Intimidate, including engaging in actions, statements, or threats that put an individual in fear of bodily harm.
- Enter any school property without authorization or remain in any school premises after it is closed.
- Obstruct the free movement of any person.
- Violate traffic laws, parking regulations, or other vehicle restrictions.
- Possess, consume, sell, distribute, or exchange alcoholic beverages, tobacco, or controlled substances (including synthetic drugs such as synthetic cannabinoids, e-Cigarettes, oils, edibles and tinctures made from controlled substances or used for vaping, jewelry or dabbing), or be under the influence of any of the above.
- Possess or use weapons (unless specifically authorized by the District).
- Loiter, gamble, litter, spit, or urinate in public.
- Refuse to comply with reasonable directives of school officials while they are performing their duty.
- Willfully incite others to commit any acts prohibited by the Code of Conduct.
- Violate any federal or state law, local ordinance, or Board policy.

XI. DISSEMINATION AND REVIEW OF CODE

The School District will educate the community about this Code of Conduct as set forth in **Attachment M**. Copies of the complete Code are available on the District website.

ATTACHMENT A: DEFINITIONS

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

- **Bullying:** A form of harassment (see below).
- **Cheating:** Using the ideas, works, creations, or words of another in completing examinations, projects, or reports (and includes plagiarism, below).
- **Controlled Substance:** A drug or other substance (including synthetic drugs such as synthetic cannabinoids) identified in certain provisions of the federal Controlled Substances Act specified in federal and state law and in regulations applicable to Policy 7320 Alcohol, Drugs and Other Substances.
- **Cyberbullying:** Harassment/bullying through any form of electronic communication.
- **DASA:** Dignity for All Students Act. A New York State law that seeks to provide the state’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, school buses, and/or at school functions.
- **Disability:** (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions, which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment.
- **Discrimination:** Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- **Disruptive Person:** Anyone who substantially disrupts the educational process or substantially interferes with the teacher’s classroom authority.
- **Emotional Harm:** Within the context of harassment or bullying, “emotional harm” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- **Employee:** Any person receiving compensation from the School District or employee of a contracted service provider or worker placed with the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to the District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
- **Excused Absence:** Whenever your child is absent, State law requires that a written explanation be sent to the Main Office on the day that they return to school, consistent with Policy 7110 Comprehensive Student Attendance Policy.
- **Gender:** Actual or perceived sex, including a person’s gender identity or expression.
 - **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
 - **Gender Identity:** One’s self-concept of being male or female, as distinguished from actual biological sex or sex assigned at birth.
- **Harassment:** The creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, that either: (a) has or would have an effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety.
- **Hazing:** A form of harassment that occurs while initiating a student into a school organization or activity, which involves committing an act against the student or coercing the student into committing an act against someone else that risks emotional, physical, or psychological harm to the student or another person. The fact that the victim may consent to the act does not excuse the behavior or lessen the offense.
- **Illegal Substances:** These include but are not limited to amphetamines, cocaine, heroin, inhalants, LSD, look-alike drugs, synthetic drugs, marijuana, PCP, steroids, alcohol, and any substances commonly referred to as “designer drugs.”
- **Parent:** Parent, guardian, or person in parental relation to a student.

- **Plagiarism:** The use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, the Internet, and world-wide web, even with minor alterations.
- **School Property:** The area 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:** Any school-sponsored extracurricular event or activity whether on or school property.
- **Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality.
- **Student:** Any child between the ages of 3 and 21 years of age enrolled in the Ontario Central School District educational programs.
- **Unexcused absence:** For a list of excused reasons for school absences, see "Excused Absences" (above). By law, school days missed due to family vacations must be recorded as unexcused absences.
- **Violent Person:** Any person, while on school property or at a school function, who:
 - Commits an act of violence upon a school employee, another student, or any other person or attempts to do so.
 - Possesses or threatens to use a weapon, or displays what appears to be a weapon.
 - Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
 - Knowingly and intentionally damages or destroys School District property.
- **Weapon:** A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act or anything else that can cause physical injury or death when used to cause physical injury or death. Weapons include the following:
 - a) a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
 - b) a switch
 - c) blade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife
 - d) a billy club, baton, blackjack, bludgeon, chukka stick, or metal knuckle;
 - e) a sandbag or sandclub;
 - f) sling shot or slungshot;
 - g) a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nunchuks, or shuriken;
 - h) an explosive, including, but not limited to, a firecracker or other fireworks;
 - i) a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - j) an imitation gun;
 - k) a loaded or blank cartridge or other ammunition; and
 - l) any other deadly or dangerous instrument.
- **Visitor:** Any community member or other individual who comes to our schools, including but not limited to school buildings, school grounds, and school events, either on or off site.

ATTACHMENT B:
BOARD EXPECTATIONS FOR STAFF, PARENTS/GUARDIANS, AND VISITORS

Parents/guardians are expected to:

- Recognize that the education of their children is a joint responsibility of parents/guardians and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time and that absences are excused.
- Ensure their children are dressed and groomed in a manner consistent with Policy 7312 Student Dress Code.
- Help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
- Know the District Code of Conduct and school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the school community.
- Build good relationships with teachers, other parents/guardians, and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Provide accurate and updated emergency information.

All school personnel, per Policy 6410 Maintaining Discipline and Conduct, are expected to:

- Promote a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen each student's positive self-image.
- Teach common courtesies by precept and example.
- Treat students in an ethical, responsible, and nondiscriminatory manner.
- Help students to reach their maximum potential.
- Demonstrate desirable standards of behavior through personal example.
- Report violations of the Code of Conduct to the building principal or acting building principal.
- Immediately report and refer violent students to the principal or Superintendent of Schools.
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Maintain confidentiality in accordance with federal and state law.

Teachers are also expected to:

- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents/guardians:
 - Course objectives and requirements.
 - Marking/grading procedures.
 - Assignment deadlines.
 - Expectations for students.
 - Classroom discipline plan.
- Communicate regularly with students, parents/guardians, and other teachers concerning growth and achievement.
- Read, understand, and comply with a student's IEP, §504 Plan, and behavior improvement plan.
- Comply with state law and regulations regarding corporal punishment and mandated reporting of suspected child abuse in the domestic setting and in the educational setting.

Dignity Act (or Bullying Prevention) Coordinators are also expected to:

- Promote a safe, orderly, and stimulating school environment supporting active teaching and learning for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Identify curricular resources that support the infusion of civility into classroom instruction and classroom management, and provide guidance to staff as to how to access and implement those resources.
- Coordinate training in support of the District's Policy 7380 Dignity For All Students.
- Be responsible for monitoring and reporting on the effectiveness of the District's Policy 7380 Dignity For All Students.

Building administrators are also expected to:

- Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- Ensure that students and staff receive training in the Code of Conduct and anti-harassment policies.
- Support the development of student participation in appropriate extracurricular activities.
- Be responsible for communicating expectations and for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly.
- Evaluate all instructional programs on a regular basis.
- Evaluate student attendance at least annually and make recommendations to the Board and Superintendent to increase attendance.
- Empower and create success for disenfranchised and disengaged students.

The Superintendent and District administrators are also expected to:

- Promote a safe, orderly, and stimulating school environment supporting active teaching and learning for all students.
- Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the Board about educational trends relating to student discipline.
- Work to create instructional programs that maximize student learning and performance by engaging students and staff in meaningful academic exercises.
- Work with District administrators in enforcing the Code of Conduct, the Dignity for All Students Act, and ensuring that all cases are investigated properly and resolved promptly and fairly.

Members of the Board of Education are also expected to:

- Collaborate with students, teachers, administrators, parent organizations, school safety personnel, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of individuals to create an invigorating learning community.
- Adopt and review at least annually the District Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

ATTACHMENT C: PROHIBITED CONDUCT

(Numbers indicate the possible consequences, as defined in Attachment D)

A. Disorderly or disruptive conduct, such as but not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are abusive, lewd, obscene, or profane.
4. Obstructing vehicular or pedestrian traffic.
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
6. Unless authorized by a District administrator for use as academic technology, students are prohibited from using cell phones, responding to pagers, or using MP3 players or other personal entertainment devices. Misusing computer or electronic devices (including the unauthorized use of computers, software, or an internet or intranet account), accessing inappropriate websites, or any other violation of the District's acceptable use policy is prohibited. In addition, communication devices must be silenced and cannot be used at any time during an emergency situation to ensure the safety of all individuals in the school building, unless the user has been authorized to do so. Reference Policy 7314 Student Use of Computerized Information Resources and Policy 7370 Use of Electronic Devices by Students.
7. Failing to comply with the reasonable directions of teachers, school administrators or other school employees.
8. Trading or selling cards, or other personal property/possessions
9. Engaging in any willful act that disrupts the normal operation of the school community.

B. Insubordinate conduct, such as but not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees.
2. Showing disrespect to District employees.
3. Arriving late, leaving early, or missing school without permission.
4. Skipping detention.

C. Violent conduct, such as but not limited to:

1. Committing or attempting to commit an act of violence (such as hitting, biting, kicking, punching, spitting, or scratching) upon a student, any school employee, or any other person lawfully on school property.
2. Possessing a weapon, unless express written permission is given by the Superintendent or the Superintendent's designee.
3. Possessing or displaying what appears to be a weapon.
4. Threatening to use a weapon.
5. Intentionally damaging or destroying school district property or the property of others.
6. Conduct that intimidates or that promotes or conspires to cause or causes physical or emotional injury to others

D. Conduct that endangers the moral well being, health, safety or welfare of others, such as but not limited to:

1. Lying to school personnel.
2. Loitering, littering, spitting, or urinating in public.
3. Stealing.
4. Defamation, including violating the privacy of an individual or group of individuals, or making false statements or misrepresentations that harm the reputation of an individual or group by demeaning them.
5. Discrimination, or the negative or offensive treatment of an individual or group based on actual or perceived color, creed, disability status, gender, sex, sexual orientation, weight, race, national origin, ethnic group, religion, religious practice, or other discriminatory classification or using any of the above as a basis for treating another in a negative or offensive manner.
6. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions, or statements directed at an identifiable individual or group, which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
7. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending, or retaining (unless for the purpose of reporting/evidence) sexually explicit videos, pictures, or auditory recordings and other verbal or physical conduct or communication of a sexual nature, consistent with Policies 6121 Sexual Harassment of School Personnel and 7551 Sexual Harassment of Students.
8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school-sponsored activity, organization, club, or team.

9. Bullying, which consists of inappropriate persistent physical, verbal, and/or nonverbal behavior, including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs.
10. Cyberbullying, including, but not limited to, the use of instant messaging, email, websites, social networking sites, text messaging, or the use of any electronic or digital communication when such use infringes upon the general health, safety, and welfare of District students and employees.
11. Using, wearing, depicting, possessing or displaying a swastika, or the Confederate flag or its likeness, except when they are used as part of the curriculum and approved by a teacher or administrator.
12. Selling, distributing, using, or possessing obscene material.
13. Using any form of tobacco and or possession of any related paraphernalia.
14. Possessing, consuming, selling, distributing, or exchanging look-a-like drugs, synthetic drugs, drug paraphernalia, alcoholic beverages, or illegal substances, or being under the influence of any of the above. Possessing, consuming, selling, distributing, exchanging, or sharing prescription and nonprescription drugs.
15. Gambling or extortion.
16. Exposure of the body's private parts.
17. Making a false alarm about a fire, bomb threat, or other emergency, or inappropriately calling 911 or discharging a fire extinguisher or an automatic external defibrillator. In addition, communication devices must be silenced and cannot be used at any time during an emergency situation to ensure the safety of all individuals in the school building, unless the user is authorized to do so.
18. Reckless or unauthorized operation of a motor vehicle on and around school property.
19. Engaging in or displaying unacceptable physical or sexual contact.

E. Misconduct on school buses, consistent with Policy 7340 Bus Rules and Regulations, such as but not limited to:

1. Any activity or conduct that distracts the bus driver.
2. Any activity or conduct not allowed in school or at school functions.

F. Academic misconduct, such as but not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Failure to return documents or school property in a timely fashion

G. Off-campus misconduct: A student may be subject to discipline for conduct constituting a crime that is committed off school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare, or moral well being of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educational process (i.e., student-student, student-personnel, and interactions that could have a detrimental or disruptive effect upon school programs or activities).

Examples of off-campus misconduct that endangers students or staff on school grounds or that substantially disrupts the educational process, such as but not limited to:

1. Cyberbullying, or using the telephone, email, or another form of electronic, digital, or other communication to harass or threaten students or school staff on school property or to substantially interfere with school procedures.
2. Harassment, bullying, or hazing.

Repeated infractions may lead to more severe consequences, including (for chronic, repeated, serious infractions) permanent suspension.

The Administration reserves the right to implement disciplinary action for incidents not specifically identified above.

ATTACHMENT D: CONSEQUENCES

Students

Students who violate the District's Code of Conduct are subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process.

1. Oral warning: any member of the District staff.
2. Written referral: Any member of the District staff.
3. Written notification to parent, guardian: principals or their designee, assistant principals and Dean of Students.
4. Detention: teachers, principals or their designee, assistant principals, and the Superintendent.
5. Suspension from transportation: the Director of Transportation, principals or their designee, assistant principals, Dean of Students and the Superintendent, consistent with Policy 7340 Bus Rules and Regulations.
6. Suspension from athletic participation: coaches, principals or their designee, assistant principals, athletic directors, and the Superintendent.
7. Suspension from social or extracurricular activities: club advisors, principals or their designee, assistant principals, Dean of Students and the Superintendent.
8. Suspension of other privileges: principals or their designee, assistant principals, Dean of Students and the Superintendent.
9. In-school suspension: principals or their designee, assistant principals, Dean of Students and the Superintendent.
10. Removal from classroom: teachers, principals or their designee, assistant principals, Dean of Students and the Superintendent, consistent with Policy 7315 Teacher Removal of Disruptive Students from the Classroom.
11. Short-term (five days or less) suspension from school: principal.
12. Long-term (more than five days) suspension from school: the Superintendent or designated hearing officer, after a hearing.
13. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at school or a school function is determined not to be related to their disability: the Superintendent or designated hearing officer, after a hearing.
14. Permanent suspension from school: Superintendent with the approval of the Board of Education, after a hearing.
15. All incidents of academic misconduct could result in a grade of zero and other academic consequences.

Staff

Staff members who violate this Code will be subject to discipline consistent with Board Policy 6110 Code of Ethics for all District Personnel and applicable collectively negotiated agreements.

Visitors

Parents, guardians, and visitors who violate this Code will be asked to leave the premises.

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

Repeated infractions may lead to more severe consequences, including (for chronic, repeated, serious infractions) permanent suspension.

ATTACHMENT E: DRESS CODE

All members of the school community should dress in appropriate clothing. Dress and grooming should be safe and appropriate and should not disrupt or interfere with the educational process at school or at school functions, on or off school property. Each building principal or their designee will inform students and parents/guardians of the Dress Code, consistent with Policy 7312 Student Dress Code, at the beginning of the school year.

Specifically, the following clothing items are unacceptable:

- Clothing, jewelry, bags, backpacks, or accessories that endanger health or safety.
- Footwear that is deemed hazardous by the administration, as well as bare or stocking feet.
- Items that are vulgar, obscene, or libelous or denigrate others on account of color, creed, disability, sex, gender, national origin, ethnic group, sexual orientation, race, religion, religious practice, weight or other physical characteristics, or socio-economic background.
- Items that promote or endorse the use of alcohol, tobacco, or illegal drugs or encourage other illegal or violent activities (e.g., gang affiliations, promotion of weapons, etc.).

All members of the school community must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, technology classes, and home and careers skills classes.

Students who violate the Dress Code will be asked to cover or remove the offending item and, if necessary or practical, replace it with an acceptable one. Parents/guardians may be asked to bring replacement clothing to school. Any student who refuses to comply may be subject to discipline, up to and including in-school suspension for the day. Students who repeatedly violate the Dress Code may be subject to further discipline, up to and including out-of-school suspension. Parents/guardians will be notified of repeated Dress Code violations.

ATTACHMENT F: PROCEDURES

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence 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 consequence in connection with the imposition of the consequence.

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 consequence is imposed. These additional rights are explained below.

1. Detention

Teachers, principals, and the Superintendent may use after-school detention or lunch or recess detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. Suspension from Transportation

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention via their supervisors. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees, consistent with Policy 7340 Bus Rules and Regulations. In such cases, the student's parent/guardian will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from school, 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 consequence involved.

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

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

5. Suspension from School

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

The following circumstances subject the student to immediate suspension as well as all classroom, co-curricular, and extracurricular activities:

- a. Coming to school in a drunken or drugged condition. (Possible police involvement).
- b. Use or possession of alcoholic beverages or other drugs on school property. (Police involvement).
- c. Coming on school property after drinking alcoholic beverages. (Possible police involvement).

- d. Assault of a teacher or any school personnel or causing bodily harm to them. (Possible police involvement).
- e. Crossing Route 28 without permission or leaving school grounds without permission from an administrator.
- f. Reporting a false alarm, arson, calling in a bomb threat. (Police involvement).
- g. Possession of a weapon on school property. (Gun-Free Schools Act: Any student who has brought a “firearm” to school, shall be suspended for a period of not less than one calendar year subject to a determination of the Superintendent on a case-by-case basis). (Police involvement).

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals, consistent with Policy 7313 Suspension of Students.

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

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

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

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery, mail delivery, or some other means that is reasonably calculated to assure receipt of the notice of the decision to suspend 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 request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians.

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.

b. 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, they 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 them, and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, using their 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 them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the Board that will make

its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 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.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as cases 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.

ATTACHMENT G: MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school: Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be suspended for at least one calendar year, unless the Superintendent modifies the suspension. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. In deciding whether to modify the suspension, the Superintendent may consider the following:

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

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

2. Students who commit violent acts other than bringing a weapon to school: Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, will be suspended from school for up to five days, unless the Superintendent modifies the suspension. In addition, the student may be subject to a suspension for more than five days after a §3214 hearing is conducted. If the proposed suspension is for just five days, 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 suspension is for more than five days, 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 long-term suspension. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly and substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: Any student, other than a student with a disability, who repeatedly and substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school for up to five days, unless the Superintendent modifies the suspension. For purposes of this Code of Conduct, "repeatedly and substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester. If the proposed suspension is for just five days, the student's parent/guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension is for longer than five days, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. In deciding whether to modify the suspension, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

ATTACHMENT H: REFERRALS

1. Counseling: The social worker, guidance counselor, nurse, school psychologist, and/or principal/assistant principal shall handle referrals of students to appropriate human service agencies such as counseling and social services.

2. 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 they require supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

3. Juvenile Delinquents and Juvenile Offenders: The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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

ATTACHMENT I: DISCIPLINE OF STUDENTS WITH DISABILITIES

It may sometimes be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities are entitled to certain procedural protections beyond those available to students without disabilities whenever school authorities intend to impose discipline upon them. The school is committed to ensuring that the procedures for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations and Policy 7313 Suspension of Students.

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

A. Authorized Suspensions or Removals of Students with Disabilities.

- 1) For purposes of this section of the Code of Conduct, the following definitions apply.
 - a. A “suspension” means a suspension from school pursuant to Education Law §3214.
 - b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to themselves or others or placement in an IAES for behavior involving serious bodily injury, weapons, illegal drugs, or controlled substances.
 - c. An “IAES” means a temporary educational placement, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to receive educational services so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress towards meeting the goals set out in such IEP, and receive, as appropriate, a functional behavioral assessment and intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- 2) School personnel may, following the procedures set forth in Education Law Section 3214, order the suspension or removal of a student with a disability from their current educational placement as follows:
 - a. The School Board, the District BOCES Superintendent, Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting, or may order suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting, or may order suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed as per subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a pattern that is equivalent to a change of placement when considering the proximity of time and duration of such suspension.
 - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 *school* days, even when it is a manifestation of the student's disability, if the student possesses or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.
- 3) “Weapon” means the same as “dangerous weapon” under 18U.S.C. §930 (g)(w), which includes “a weapon, device, instrument, materials or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury.” (NOTE: Question for Legal Counsel.)
- 4) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy. Reference Policy 7320 Alcohol, Drugs and Other Substances.

- 5) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 6) “Serious bodily injury” means bodily injury that involves a substantial risk of death, extreme physical pain, protracted or obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- 7) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if the IHO determines that the District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

B. Change of Placement Rule

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

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

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the manifestation team has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or behavior resulting in serious bodily injury.

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

- 1) The District’s Committee on Special Education shall
 - a. Conduct functional behavioral assessments, as appropriate, to determine why a student engages in behaviors that impede learning and how the student’s behavior relates to the environment, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs, controlled substances or serious bodily injury. If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from their educational placement for more than 10 school days in a school year is subjected to a suspension or removal that constitutes a disciplinary change in placement, the members of the manifestation team shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the manifestation team to modify such plan and its implementation, to the extent the committee determines necessary.
- 2) A manifestation team shall conduct a determination review of the relationship between the student’s disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, controlled substances, or serious bodily injury or a decision is made by an IHO to place a student in an IAES in a dangerous situation or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
 - a. A manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent/guardian, and relevant members of the CSE, as determined by the parent/guardian and the District.
 - b. The manifestation team shall review all relevant information in the student’s file, including the student’s IEP, any teacher observation, and any relevant information provided by the parents/guardians to determine if the conduct in question:
 - i. was caused by or had a direct and substantial relationship to the student’s disability; or

- ii. was the direct result of the District’s failure to implement the IEP.
- 3) The parent/guardian of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of the misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, building principal, or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A District shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:
 - i. The parent/guardian of such student has expressed concern in writing to supervisory administrative personnel or to a teacher of the student that the student is in need of special education; however, the expression may be oral if the parent/guardian does not know how to write or has a disability that prevents a written statement; or
 - ii. The parent/guardian of the student has requested an evaluation of the student in accordance with Part 200 of the Commissioner’s Regulations; or
 - 4) A teacher of the student, or other personnel of the District has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the District’s Director of Special Education or to other supervisory personnel of the District.

A student will not be considered a student presumed to have a disability for disciplinary purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability,

- a. It was determined that the student is not a student with a disability;
- b. The parent/guardian of the student did not allow an evaluation of the student; or
- c. The parent/guardian of the student has refused Special Education services.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

- 5) The District shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES because of misconduct involving weapons, illegal drugs, controlled substances, or serious bodily injury; or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or because a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
- 6) The parents/guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.
- 7) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension for more than five school days shall be bifurcated into a guilt/no guilt phase, and if guilt is found and a manifestation determination in accordance with § 201.4 of the Commissioner’s Regulations results in a “No” manifestation determination, then a consequence phase in accordance with the procedures set forth in the Commissioner’s Regulations incorporated into this Code. The Superintendent shall make a threshold

determination of whether a suspension or removal in excess of 10 consecutive school days shall be considered. If such shall be determined affirmatively, the hearing shall be adjourned until a manifestation determination is made.

- 8) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the manifestation team has determined that the behavior is not a manifestation of the student's disability or the behavior involves weapons, illegal drugs, controlled substances, or serious bodily injury.
- 9) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided with a Free Appropriate Public Education (FAPE) as required by federal and state law and the Commissioner's regulations incorporated into this Code.

D. Expedited Due Process Hearing

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

- 1) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings.
- 2) The parent/guardian requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement pursuant to a disciplinary suspension or removal, including but not limited to any decision to place the student in an IAES.
- 3) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, controlled substances, or serious bodily injury, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the District agree otherwise.
- 4) If school personnel propose changing the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- 5) An expedited due process hearing shall be completed within 20 school days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, they must mail a written decision to the District and the parents/guardians within 10 school days after the last hearing date without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

- 1) The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- 2) The Superintendent may transmit copies of the Special Education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported only to the extent that transmission is permitted by FERPA.

F. Declassified Students

In accordance with law, the manifestation team must conduct a manifestation determination in the case of a declassified student who has been subject to discipline that would constitute a disciplinary change in placement.

G. Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504") or Title II of the Americans with Disabilities Act

(hereinafter the “ADA”), the §504 multi-disciplinary committee (hereinafter the “§504 committee”) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

- 1) If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The record of discipline imposed to date shall be expunged. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
- 2) If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.
- 3) Students with a recognized 504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined regardless of their disability status in the same manner and to the same extent as their non-disabled peers, provided that the students are currently engaged in the illegal use of drugs or alcohol.

Any consequence imposed may not be based on past behavior for which a nexus determination was not made.

ATTACHMENT J: ENFORCEMENT AND PUBLIC CONDUCT
ON SCHOOL PROPERTY

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

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

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

ATTACHMENT K: SEARCHES AND QUESTIONING

A. Student searches: Involuntary personal searches of students and their possessions may be conducted by District/building administrators when there is reasonable suspicion for a search by school personnel.

Such searches must conform to state and federal laws, and must be based on reasonable suspicion. The reasonableness of the search will depend upon the:

- Student's age, gender, and school history and record.
- Prevalence and seriousness of the alleged infraction.
- Urgency of an immediate search.
- Reliability of the information used to justify the search and the likelihood that the search will produce useful information.

School desks, lockers, storage spaces, and computers belong to the School District, not the student, and thus may be opened and inspected by school officials without student permission. Video surveillance footage may be accessed as part of a search process, consistent with Policies 5686 Use of Surveillance Cameras in the School District and 5751 Video Cameras on School Buses.

B. Questioning of Students by School Officials: School officials have the right to conduct investigations and question students regarding any violations of school rules and/or illegal activity. The student's parent/guardian may be contacted, depending upon the nature and reasoning for the questioning and the necessity for further action that may result. District/building administrators are not required to give students "Miranda warnings" prior to questioning them.

The questioning of students by school officials does not preclude subsequent questioning by police authorities as otherwise permitted by law.

C. Questioning of Students by Police: It is the policy of the District to cooperate with law enforcement agencies. While police do not have general power to interview children in school, or to use school facilities in connection with police department work, the police may enter the schools of the District if a crime has been committed on school property, they have a warrant for arrest or search, or if they have been invited or authorized by District/building administrators.

When the police have properly entered the school and wish to interview students in the school, the students must be afforded the same rights they have outside the school. Students must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney, and must be protected from coercion and illegal restraint. When a student is under the age of 16 and police are present for an interview or investigations, school officials must make every reasonable effort to notify the student's parent/guardian(s), unless the police indicate that such interview concerns a student's parent/guardian(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment, or neglect.

D. Child Protective Services Investigations: Child Protective Services (CPS) may interview students on school property without notification to the parents/guardians regarding allegations of suspected child abuse, maltreatment, or neglect (including educational neglect). In addition, certified school personnel are mandated reporters, and are legally required to follow all appropriate regulations. Child Protective Services may in some cases desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse, maltreatment, or neglect. A school official shall be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

ATTACHMENT L: VISITORS TO THE SCHOOLS

Parents/guardians and other District citizens are encouraged to visit the District's schools for school sponsored events or meetings with Administrators and/or staff members. Since school safety is of the utmost importance, and schools are a place of work and learning, certain limits must be set for such visits. The building principal or their designees are responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools, consistent with Policy 3210 Visitors to the School:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor and is expected to abide by the rules for public conduct on school property contained in this Code of Conduct regardless of whether the visit takes place during the school day or after school hours.
- B. All visitors to the school must report to the sign-in desk 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 to the sign in desk before leaving the building during the instructional school day.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Visitors who wish to observe a classroom while school is in session are required to seek permission and indicate the purpose for such visit in advance with the building administrator or their designee.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
- F. Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police or the School Resource Officer may be called if the situation warrants.

ATTACHMENT M: DISSEMINATION AND REVIEW OF CODE

The District will ensure that the community is aware of this Code of Conduct by:

- 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
- Making full copies of the District Code of Conduct available to all parents/guardians, students, and community members on the District website, in the District office, and in the main offices of each school.
- Providing copies of an age-appropriate summary of the Code of Conduct to all students at the beginning of each school year.
- Providing a copy of the Code, and subsequent amendments to the Code, to all current teachers, and other staff members, and to newly hired employees when first hired, as soon as practical after adoption.
- Providing an in-service education program for District staff members.
- Reviewing the Code of Conduct every year and update it as necessary.
- Holding a public hearing before adopting any Code revisions.
- Filing any amendments to the Code with the Commissioner of Education in accordance with the Commissioner's rules and regulations.

A building's regulations, procedures, Code of Conduct, or Policy 7312 Student Dress Code must be consistent with, and must not be contradictory to, the District Code of Conduct/ Policy 7312 Student Dress Code. Distribution of regulations and procedures relating to the individual building Code of Conduct/Policy 7312 Student Dress Code is the responsibility of the building principal.

Review of Code

An in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct will be provided. The Superintendent may solicit the recommendations of District staff members, 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.

An advisory committee may be appointed to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

At a regularly scheduled Board meeting, the Board or the Code of Conduct Committee will present any Code revisions for review. The Board will reapprove any such updated code only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties