



**Code of Conduct**

**William Floyd School District**

## I. CODE DEFINITIONS

For purposes of this Code, the following definitions apply:

**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.

**Cyberbullying** means harassment or bullying as defined immediately above, including paragraphs (a), (b), (c) and (d) of the above definition, where such harassment or bullying occurs through any form of electronic communication.

**Dignity Act Coordinators** refers to one or more staff members in each school, appointed by the Board of Education, who are thoroughly trained to handle human relations in the areas of 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 (including gender expression and identity), and sex. The following are the names and contact information for the District's Dignity Act Coordinators.

**Disability** means a disability as defined in New York Executive Law Section 292(21).

**Discrimination** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function, including but not limited to, discrimination based on a person's actual or perceived race (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, sex, sexual orientation, or gender (including gender expression and gender identity).

A **disruptive student** means an elementary or secondary student up to the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Drug Paraphernalia** includes any device or instrument that on its face is used for the production, packaging, distribution, or ingesting of a controlled substance, illegal substance, or prohibited substance. This includes but is not limited to hash pipes, water pipes, clips, rolling papers, vaping devices, or any other items related to drug use or drug distribution.

**Employee** 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.

**Gender** means actual or perceived sex and includes a person's gender identity or expression.

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

**Gender Identity** is one's self-concept of being male, female, or non-binary, as distinguished from biological sex or sex assigned at birth.

**Harassment** and **bullying** mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's 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
- Sex
- Sexual orientation
- Gender (including gender identity and expression)

**Note:** In some instances, harassment, bullying and/or discrimination may constitute a violation of an individual's civil rights. As a result, the district is mindful of its responsibilities under the law and in accordance with related district policies.

**Hazing** means committing an act against a student or coercing a student (typically although not necessarily as part of an induction or initiation process), into committing an act, that humiliates, degrades, abuses or endangers the student, physically or emotionally, regardless of the student's willingness to participate.

A **parent** means parent, guardian or person in parental relation to a student.

**Protective hairstyles** include, but is not limited to, such hairstyles as braids, locks, and twists.

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

**Repeatedly and Substantially Disruptive of the Educational Process or Substantially Interferes with the Teacher's Authority Over the Classroom** - means engaging in conduct which results in the student's "removal" from the classroom by a teacher or teachers on four or more occasions during a semester.

**School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

A **school function** means any school-sponsored or school-authorized extra-curricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

**School property** is 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.

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

A **violent student** means a student up to the age of 21 who:

- ✓ Commits an act of violence upon a school employee.
- ✓ Commits, while on district property or at a school function, an act of violence upon another student or any other person lawfully on district property or at the school function.
- ✓ Possesses, while on district property or at a school function, a gun, knife, explosive or incendiary bomb, other dangerous instrument capable of causing physical injury or death, or any "weapon" as defined by this Code.
- ✓ Displays, while on district property or at a school function, what appears to be what appears to be a gun, knife, explosive or incendiary bomb, other dangerous instrument capable of causing death or physical injury, or any "weapon" as defined by this Code.
- ✓ Threatens, while on district property or at a school function, to use any instrument that appears capable of causing physical injury or death.
- ✓ Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on district property or at a school function.

- ✓ Knowingly and intentionally damages or destroys school district property.

A **weapon**, for purposes of the Gun-Free Schools Act, shall mean a “firearm” as such term is defined in 18 USC §921. For purposes of this Code, a “weapon” 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, sling shot, jack knife, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance capable of causing physical injury or death.

## **BILL OF STUDENT RIGHTS AND RESPONSIBILITIES, K–12**

### **PREAMBLE**

**The William Floyd Union Free School District seeks to cultivate a sense of mutual respect among students, parents, administration, faculty and staff. The William Floyd School District also aims to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.**

#### **A. The Right to a Free Public-School Education**

*While public schools serve many age groups whose rights may differ according to their levels of maturity, the right to a free public-school education is a basic “student right” guaranteed to all children.*

Students have a right to:

1. Attend school and receive a free public school education from age 6 to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be English Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free appropriate public education from age 3 until age 21, as provided by law;
2. Be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior. As required by Title XIV, General Provisions of the Elementary and Secondary Act (ESEA), the New York State Education Department (NYSED) has adopted procedures for receiving and resolving complaints and for resolving appeals from decisions of Local Education Agencies (LEAs).
3. To be protected from harassment, bullying, and discrimination based on 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, sex, sexual orientation, or gender (including gender expression and identity) by employees or students on school property or at a school-sponsored event, function or activity;

4. Receive a written copy of the school's policies and procedures, including the Discipline Code and the William Floyd School District's Bill of Student Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. Be informed about diploma requirements, including courses and examinations to meet the requirement for high school graduation.
6. Be informed about required health, cognitive and language screening examinations;
7. Be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. Receive instruction from highly qualified professional faculty;
9. Know the grading criteria for each subject area and/or course offered by the school and receive grades for school work completed based on established criteria;
10. Be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. Be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. Be notified of the right of appeal regarding holdover or failing grades;
13. To inspect their education records, either alone, or through their parents (depending on their age, as set forth under Article II.D. above);
14. Confidentiality in the handling of student records maintained by the school system;
15. Request or by parental request to have their contact information withheld from disclosure, including but not limited to disclosure to institutions of higher learning and/or to military recruiters;
16. Receive guidance, counseling and advice for personal, social, educational, career and vocational development.

### **B. The Right to Freedom of Expression**

*All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the William Floyd School District Board of Education.*

Students have the right to:

1. Organize, promote and participate in a representative form of student government;
2. Organize, promote and participate in student organizations, social and educational clubs or teams and political, religious, and philosophical groups consistent with the requirements of the Equal Access Act;
3. Representation on appropriate school wide committees that influence the educational process, with voting rights where applicable;
4. Publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to censorship by school officials based on: 1) legitimate pedagogical concerns; 2) the need to prevent material and substantial disruptions to the work and/or discipline of the District's schools; and 3) other legitimate concerns of school officials within the limits of the law;
5. Circulate newspapers, literature or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, and subject also to censorship by school officials within the limits of the law;
6. Wear political or other types of buttons, badges or armbands, subject to censorship and discipline by school officials within the limits of the law;

7. Post bulletin board notices within the school, with approval of school officials in accordance with District and/or school policies and procedures;
8. Determine their own dress within the parameters of the William Floyd School District of Education policy and this Code of Conduct;
9. Be secure in their persons, papers and effects and to carry in the school building personal possessions which are appropriate for use on the premises;
10. Be free from unreasonable or indiscriminate searches, including body searches (*see*, Section xx of this Code);
11. Be free from corporal punishment (as per 1985 Regulations of Board of Regents 8 N.Y.C.R.R. §19.5; *see*, Section xx of this Code).

### **C. The Right to Due Process**

*Every student has the right to be treated fairly in accordance with the rights set forth in this document.*

Students have the right to:

1. Be provided with the Discipline Code and rules and regulations of the school;
2. Know what is appropriate behavior and what behaviors may result in disciplinary actions;
3. Be counseled by members of the faculty in matters related to their behavior as it affects their education and welfare within the school;
4. Know possible dispositions and outcomes for specific offenses;
5. Receive written notice of the reasons for disciplinary action taken against them in a timely fashion;
6. Due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by school;
7. Know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. Be accompanied by a parent/guardian or counsel at Superintendent suspension hearings;
9. The presence of school personnel in situations where there may be police involvement;
10. Alone, or through their parents (depending on their age, as set forth under Article II.D. above), to challenge any material entered in their student records and enter a written explanation into their record when a challenged record is not corrected or removed.

### **D. Additional Rights Of Students Age 18 And Over**

The federal Family Educational Rights and Privacy Act (“FERPA”) gives students who have reached 18 years of age certain rights with respect to the student’s education records.

Students age 18 and over have the right to inspect their own education records within 45 days of the day the William Floyd School District receives the student’s request, in accordance with the procedures set forth in the William Floyd School District Board of Education Policy #7370.

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA, in accordance with the procedures set forth in William Floyd School District Board of Education Policy #7370.

Students age 18 and over have the right to privacy of their personally identifiable information in their own education records, except in **certain cases** when FERPA allows disclosure without consent, **including the following**:

One exception, which permits disclosure without consent, is disclosure to a school official who has a “legitimate education interest” in reviewing an education record or records in order to fulfill his or her professional responsibilities. Examples of school officials include people employed by the William Floyd School District (such as administrators), as well as people (including contractors and consultants) whom the William Floyd School District has engaged to perform services or functions that the District would otherwise use its own employees to perform.

Another exception, which permits disclosure without consent, is disclosure, upon request, to officials of another school district in which a student is trying to enroll or plans to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

Students age 18 and over have the right to file a complaint with the U.S. Department of Education if they feel that the William Floyd School District has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-852

Before students reach age 18 (or enter college) the foregoing FERPA rights belong to each student’s parent, legal guardian or other person in parental relation to the student.

## **E. Student Responsibilities**

*Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society.*

Students have a responsibility to:

1. Attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. Be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. Follow school regulations regarding entering and leaving the classroom and school building;



4. Help maintain a school environment free of weapons, illegal drugs, unauthorized prescription drugs or over-the counter medication, synthetic cannabinoids, controlled substances and alcohol;
5. Behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. Share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. Respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. Show respect for school property and respect the property of others, both private and public;
9. Be polite, courteous and respectful toward others 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, sex, sexual orientation, or gender (including gender expression and identity);
10. To report and encourage other students to make an oral or written report incidents of harassment, bullying and/or discrimination to teachers, administrators and other school personnel.
11. Behave in a polite, truthful and cooperative manner toward students, teachers, administration and other school staff;
12. Promote good human relations and build bridges of understanding among the members of the school community;
13. Use non-confrontational methods to resolve conflicts;
14. Participate and vote in student government elections;
15. Provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
16. Work with school personnel in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
17. Observe ethical codes of responsible journalism;
18. Refrain from obscene and defamatory communication in speech, writing and other modes of expression;
19. Express themselves in a manner which promotes cooperation and does not interfere with the educational process;
20. Assemble in a peaceful manner and respect the decision of students who do not wish to participate;
21. Bring to school only those personal possessions which are safe and do not interfere with the learning environment;
22. Adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and career technical education programs;
23. Be familiar with the school Discipline Code and abide by school rules and regulations;
24. Provide leadership to encourage fellow students to follow established school policies and practices;
25. Keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.

### **III. EXPECTATIONS FOR TEACHERS AND OTHER PROFESSIONAL STAFF**

#### **A. All district teachers and other professional staff are expected to:**

1. Maintain a climate of mutual respect and dignity 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, sex, sexual orientation, or gender (including gender expression and identity), with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Use available resources to bring about positive behavioral changes in the classroom before seeking assistance from the administration for discipline problems.
8. Confront issues of harassment, bullying and/or discrimination in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Orally notify the building administrator and/or Dignity Act Coordinator (DAC) of incidents of harassment, bullying and/or discrimination that are witnessed by or otherwise brought to the teacher's attention, not later than one school day after the teacher witnesses or receives the report of harassment, bullying or discrimination, and within two school days after making the oral report, file a written report with the same building administrator or DAC.

## **B. Expectations for Student Support Service Personnel**

1. Support educational and academic goals.
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Maintain and encourage a climate of mutual respect and dignity 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, sex, sexual orientation, or gender (including gender expression and identity),

with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

7. Orally notify the building administrator and/or Dignity Act Coordinator (DAC) of incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to the staff member's attention not later than one school day after the staff member witnesses or receives the report of harassment, bullying or discrimination, and within two school days after making the oral report, file a written report with the same building administrator or DAC.

**C. Expectations for Other School Staff**

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity 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, sex, sexual orientation, or gender (including gender expression and identity), with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Orally notify the building administrator and/or Dignity Act Coordinator (DAC) of incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to a staff member's attention not later than one school day after the staff member witnesses or receives the report of harassment, bullying or discrimination, and within two school days after making the oral report, file a written report with the same building administrator or DAC. not later than one school day after the staff member witnesses or receives the report of harassment, bullying or discrimination, and within two school days after making the oral report, file a written report with the same building administrator or DAC.

**D. Expectations for Administrative Staff**

The role of a District Administrator includes, but is not limited to the following:

1. Maintain an environment that is conducive to learning.
2. Exercise the authority assigned by the Board and the Superintendent of Schools in a responsible manner.
3. Develop effective schedules and teaching assignments for students, staff and parents.
4. Be consistent, fair, and firm in decisions affecting students, staff and parents.
5. Demonstrate, by word and example, respect for law and order, self-discipline, and sincere concern for all persons under their authority.
6. Participate in the development of rules and regulations and to make them known and understood by students, staff and parents.

- 7. Initiate and maintain open lines of communications with students, staff and parents.
- 8. Become involved with students by attending school activities and visiting classrooms.
- 9. Work with students, teachers, counselors, and parents to establish cooperative techniques for bringing about an effective educational program.
- 10. Maintain and encourage a climate of mutual respect and dignity 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, sex, sexual orientation, or gender (including gender expression and identity), with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 11. Follow up on any incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to their attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

**E. Expectations for Dignity Act Coordinators (DACs)**

The Dignity Act Coordinator(s) are as follows:

<b><u>District Wide Coordinator</u></b> Assistant Superintendent for Human Resources Janet Gilmor 631-874-1549	
<b><u>William Floyd High School</u></b> 240 Mastic Beach Road Mastic Beach NY 11951  Administrator: Kerry Coudrey-631-874-1741 Administrator: Lisa Paschitti-631-874-1869 Social Worker: Darlene DeFeo-631-874-1640 Social Worker: Kat Jumper-631-874-1688 Social Worker: Rebecca Kristiansen-631-874-1218	<b><u>William Floyd Middle School</u></b> 630 Moriches Middle Island Rd Moriches, NY 11955  Administrator: John Rumpler-631-874-5511 Social Worker: Brittney Puccio-631-874-5567 Social Worker: Paula Raniolo-631-874-5535
<b><u>William Paca Middle School</u></b> 338 Blanco Drive Mastic Beach, NY 11951  Administrator: Jennifer Engmann-631-874-1472 Social Worker: Alyssa Cabrera-631-874-1458 Social Worker: Evelyn Garcia-631-874-1460	<b><u>John S. Hobart Elementary School</u></b> 230 Van Buren Street Shirley NY 11967  Administrator: James Westcott-631-874-1273 Administrator: Dominic Ciliotta-631-874-1525 Psychologist: Josh Zelin-631-874-1243

<p><b><u>Tangier Smith Elementary School</u></b> 336 Blanco Drive Mastic Beach, NY 11951</p> <p>Administrator: Toni Komorowski-631-874-1370 Administrator: Jacqueline Cabrera-631-874-1369 Social Worker: Jodi Lieberman-631-874-1705</p>	<p><b><u>William Floyd Elementary School</u></b> 111 Lexington Rd Shirley, NY 11967</p> <p>Administrator: Keith Fasciana-631-874-1280 Administrator: Valerie Ennis -631-874-1286 Psychologist: Lorie Zelin-631-874-1255</p>
<p><b><u>Nathaniel Woodhull Elementary School</u></b> 6 Francis Landau Place Shirley NY, 11967</p> <p>Administrator: Heather Murillo-631-874-1800 Administrator: Erica Peralta-631-874-1300 Social Worker: Jacqueline Ciolino-631-874-1809</p> <p><b><u>William Floyd Learning Center</u></b> 111 Lexington Rd., Suite 2 Shirley, NY 11967</p> <p>Administrator: Gary Bretton-631-874-1607 Administrator: Camelle Person-631-874-1718 Psychologist: Skandal Delince-631-874-1807</p>	<p><b><u>Moriches Elementary School</u></b> 16 Louis Ave Moriches, NY 11955</p> <p>Administrator: Deirdre Redding-631-874-1818 Administrator: Nikki Stallone-631-874-1817 Social Worker: Melissa Knoetgen-631-874-1832</p>
<p><b><u>Floyd Academy</u></b> 240 Mastic Beach Road, Room 213 Mastic Beach, NY 11951</p> <p>Administrator: John DeBenedetto-631-874-1123 Social Worker: Gayle Lambert-631-874-1600</p>	

The role of the DACs includes, but is not necessarily limited to, the following:

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 (including gender identity and expression) or sex.
2. Lead or supervise a thorough investigation into all reports of harassment, bullying and discrimination, and ensure that such investigation is completed promptly after receipt of any written report;
3. Take or cause prompt actions to be taken that are reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed; and
4. Promptly notify the appropriate local law enforcement agency when the DAC believes that any harassment, bullying or discrimination constitutes criminal conduct.

#### **F. Expectations for the Superintendent**

The role of the Superintendent of Schools includes, but is not limited to:

1. Educate district administrators on the provisions of this Code, board policies and state and federal laws that relate to the discipline of students and the maintenance of public order on district property and at district functions.
2. Promote a safe, orderly, respectful and stimulating school environment, free from harassment, bullying and discrimination, supporting active teaching and learning.
3. Supervise and maintain a well-trained staff at all levels.
4. Keep the community well informed of all District activities through regular publications, announcements, meetings, and other appropriate forms of communication.
5. Support the staff by enforcing student discipline in accordance with district policies and the requirements of New York State law.
6. Be fair and consistent in rendering decisions regarding students whose behavior problems have been referred to the Superintendent.

#### **G. Expectations for the Board of Education**

The role of the Board includes, but is not limited to:

1. Employ and maintain a well-trained staff at all levels.
2. Keep the community well informed of all District activities through regular publications, announcements, meetings, and other appropriate forms of communication.
3. Develop programs that provide for the needs of all students.

4. Enforce student and staff discipline in accordance with district policies and the requirements of New York State law.
5. Be fair and consistent in rendering decisions regarding the discipline of students who have appealed to the board.
6. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of 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, sex, sexual orientation, or gender (including gender expression and identity). The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

#### **IV. STUDENT DRESS CODE**

An understanding of the dress appropriate to school attendance is regarded as an integral part of the social development of the boys and girls in this school system. Therefore, clean, decent, and safe dress shall be required and any distracting apparel that disrupts the learning process or hinders learning by distracting other students, teachers, or administrators, will not be permitted.

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, shall:

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 private areas must remain covered with opaque material.
3. Ensure that underwear is 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 include the wearing of hats, except for a medical or religious purpose or by special permission.
6. Not include cover the student's face to the extent the student is not identifiable, except for medical or religious purpose or by special permission.
7. 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, national origin, ethic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
8. Clothing should not have messages that promote violence, or the use of alcohol, tobacco or controlled substances or illegal drug use.
9. When an item of clothing is in question, wear something else.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or 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 his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

If students are wearing something that is not appropriate for school, any of the following procedures will take place.

1. The student will be counseled about appropriate dress.
2. School personnel will seek assistance from parents.
3. Students will be asked to remedy the situation with another garment that they may have with them.
4. Students may be sent home to change.
5. Students can be subject to our discipline policy.

## **V. DISTRICT WIDE STANDARDS OF INTERVENTION AND DISCIPLINE MEASURES**

The William Floyd School District is committed to ensuring that our schools are safe, secure and orderly environments in which teaching and learning take place each day. Safe, supportive school environments depend on students, staff and parents and school visitors demonstrating mutual respect. Included in this document is the Student Bill of Rights and Responsibilities that promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

### **A. Standards of Behavior: Accountability and Support**

All members of the school community — students, faculty, staff, administration, and parents and school visitors — must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met. The District wide Standards of Intervention and Discipline Measures (the Discipline Code) provides an outline summary of unacceptable behaviors, including incidents involving drugs or weapons. It includes the range of permissible disciplinary and intervention measures which may be used when students engage in such behaviors as well as a range of guidance interventions schools may use to address student behavior. The Discipline Code applies to all students, including those with disabilities.



In providing a range of permissible disciplinary measures, the Discipline Code ensures both consistency and equitable treatment for all students and enables the principal, the Superintendent of Schools or other designee to exercise discretion and educational judgment. Principals, teachers, faculty, staff, students and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. Guidance interventions are included because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is supportive of their needs.

The standards set forth in the Discipline Code apply to conduct on school property or at a school function. Additionally, the District has the legal authority to discipline students for “off-campus conduct” (i.e., conduct that occurs off school property) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educative process. The District also has the legal authority to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

### **B. Promoting Positive Student Behavior**

Each school is expected to promote a positive school climate and culture that provides students with a supportive environment in which to grow both academically and socially. Schools are expected to take a proactive role in nurturing students’ pro-social behavior by providing them with a range of positive behavioral supports, as well as meaningful opportunities for social emotional learning. Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to behavioral standards. Student engagement is also integral to creating a positive school climate and culture that effectively fosters students’ academic achievement and social/emotional growth. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults mitigates against negative behaviors. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of students’ achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and support they need to thrive.

### **C. Prevention and Intervention**

School personnel are responsible for developing and using strategies that promote learning and positive behavior throughout a student’s school experience. They are also responsible for addressing behaviors which disrupt learning. Administrators, teachers, counselors and other school staff are expected to engage students, including students with disabilities, in intervention and prevention strategies that address a student’s behavioral issues and discuss these strategies with the student and his/her parent or guardian. Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social/emotional learning, such as conflict resolution/peer mediation/negotiation, anger management, and/or communication skills acquisition; the use of alternate instructional materials and/or methods; alternate class placement; and/or development or review of functional behavioral assessments and behavioral intervention plans which shall be developed and/or reviewed as an early intervention strategy under appropriate circumstances.

If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student shall be referred immediately to the building administration for possible referral to Committee on Special Education, or referred directly to the Committee on Special Education. Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

#### **D. Parents as Partners**

Students, parents, faculty, staff and administration all have a role in making schools safe and must cooperate with one another to achieve this goal. School officials should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school personnel are expected to exhibit the behaviors which they would like to see students emulate. This includes modeling appropriate behavior and otherwise teaching their children respect and dignity for themselves, and other 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, sex, sexual orientation, or gender (including gender expression and identity). To ensure that parents become active and involved partners in promoting a safe and supportive school environment, parents must be familiar with the Discipline Code. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school personnel issues that may affect student behavior, and strategies that might be effective in working with the student. It is important that there be consultation and communication between the school and the home. Guidance conferences attended by the principal or his/her designee, a guidance counselor, school psychologist and/or social worker, the student's parent, and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students where appropriate. Parents who want to discuss guidance interventions in response to student behavior should contact their child's school.

**NOTE: The Principal or the Principal's designee must report all infractions to parents. When a student is believed to have committed a crime, the police may be contacted if warranted by the particular circumstances.**

#### **E. Attendance**

School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and may also need to meet with the student's parent or guardian in order to determine an appropriate course of action which may include, but is not limited to: guidance intervention, referral for counseling, and the possible filing of a Person in Need of Supervision (PINS) Petition in Family Court. The District's Assistant Superintendent, in conjunction with the District's attendance office, shall review cases of habitual truancy and shall involve attendance staff, guidance counselors, teachers, social workers and other appropriate school personnel in facilitating a resolution to address the pattern of truancy. Cases of suspected educational neglect must be reported to the Statewide Central Register for Child Abuse and Maltreatment (i.e., the "hotline"), at: 800-635-1522.

#### **F. Guidance / Social Worker Interventions**

To promote positive behavior, schools provide a range of prevention and intervention strategies and support services for students. When a student engages in misconduct, the Discipline Code provides a non-exhaustive list of guidance interventions that should be considered based on the type of behavior in which a student has engaged. Guidance interventions should be employed as part of a comprehensive response, and students may receive support services at all stages of the disciplinary process, including while on extended suspension. When used consistently and appropriately, guidance interventions help improve student behavior, lower the risk of repeated offense for an individual and contribute to a more positive school environment. Support services may include any of the interventions or a combination of services that best meet the needs of the individual student. Support services may include any of the range of guidance interventions or a combination of services to best meet the needs of the individual student. Students returning from suspension should be provided with support services to facilitate their ability to meet the school community's social and academic standards.

The guidance interventions are listed next to the disciplinary responses on each page and are further defined below.

## G. Types of Guidance Interventions

- **Parent or Guardian Outreach:** School personnel are expected to keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call, parent teacher conference and/or written communication.
- **Intervention by Counseling Staff:** Where available, school-based counseling personnel and/or School-Based Mental Health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family therapy, teacher consultations, educational strategies for parents and school personnel.
- **Guidance Conference:** Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent or guardian. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior.
- **Restorative Approaches:** Restorative approaches can help schools prevent or deal with conflict before it escalates; build relationships and empower community members to take responsibility for the well-being of others; increase the pro-social skills of those who have harmed others; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; provide students who have committed infractions with opportunities to be accountable to those they have harmed and enable them to repair the harm to the extent possible. These approaches include restorative enquiry, restorative discussion, mediation and formal restorative conferences.
- **Individual/Group Counseling:** Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.
- **Peer Mediation:** Peer mediators help classmates identify the problems behind their behavior and find solutions to these problems. Conflict resolution skills are incorporated into the strategies used by peer mediators so that all students involved learn new ways of handling conflict.

- **Mentoring Program:** A mentoring program matches a mentor who may be a counselor, teacher, staff members, student and/or leader with a protégé. The object of this relationship is to help the protégé in his/her personal, academic and social development.
- **Conflict Resolution:** Conflict resolution provides an opportunity to empower students to take responsibility for peacefully resolving conflict. The related activities teach students, parents, and faculty and staff problem solving skills/techniques that can be used in everyday situations. Such skills can include, but are not limited to, conflict and anger management, active listening, and effective communication.
- **Development of Individual Behavior Contract:** The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent or guardian.
- **Short-Term Behavioral Progress Reports:** Teachers and/or principals may send behavioral progress reports to parents/guardians on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.
- **Community Service (with Parental Consent):** Students may be provided with community service opportunities (provided that community service is not used in lieu of suspension) so that they gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents. Community service can help students occupy their time with positive activities, avoid negative behavior and learn the value of service to others.
- **Referral to Appropriate Substance Abuse Counseling Services:** In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of unauthorized prescription drugs or over-the counter medication, synthetic cannabinoids, illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services within the school or District, or through an outside community-based organization.
- **Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence:** When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.
- **Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment:** When a student or group of students engages in bias-based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community-based agency. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment.

#### H. Infractions and Ranges of Possible Disciplinary Responses

School officials must consult the Discipline Code when determining which disciplinary measure to impose. **In addition to consulting the Discipline Code, prior to determining the appropriate disciplinary and/or intervention measures, the following must be considered:** the student's age, maturity, and previous disciplinary record (including the nature of the prior misconduct, the number of prior instances of misconduct, and the disciplinary measure imposed for each); the circumstances surrounding the incident leading to the discipline; and the student's IEP, BIP and 504 Accommodation Plan, if applicable. Every reasonable effort should be made to correct student misbehavior through guidance interventions and other school-based resources. Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

The enumerated infractions are not all-inclusive. Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, principal and/or the Superintendent of Schools based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules must be in writing and distributed along with the Discipline Code.

### **I. Levels of Infractions**

The District wide Standards of Discipline holds students accountable for their behavior. Each level of infraction contains a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, principal, and/or the Superintendent of Schools. Whenever possible and appropriate, interventions should begin with the lowest level of disciplinary response. Clear distinctions are made for levels of behavior for grades K–5 and 6–12 so that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K–3. The Discipline Code provides graduated penalties for students who engage in repeated misbehaviors despite the prior imposition of appropriate disciplinary measures. More severe penalties will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses and use guidance interventions.

### **J. Discipline Procedures**

All entries in student records must be made in accordance with District policy and approved administrative regulations. All suspensions and removals from the classroom must be done substantively and procedurally in accordance with District policy and approved administrative regulations, State Education Law and Federal Laws. (Note: Students are not entitled to the same due process protections for violations of school rules committed during summer school.)

#### **1. 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 in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice must also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication

used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may established.

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

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

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

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

## **K. Appeals**

In accordance with New York State Education Law Section 3214 (3) (b) principals' suspensions discussed in an informal meeting and may also be appealed to the Superintendent of Schools. Suspensions from school (i.e., suspensions imposed by a building principal or by the Superintendent of Schools must be appealed to the District's Board of Education within thirty (30) days if appeal is to be taken, and thereafter may be further appealed to the New York State Commissioner of Education within thirty (30) days of the Board of Education's decision.

## L. Referral to County Attorney or Law Enforcement Authorities (As Applicable) 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:

1. Any student under the age of 16 who is found to have brought a “weapon” or “firearm” (as the applicable term is defined by the federal, Gun-Free Schools Act and corresponding provisions of New York Law) to school, except a student 14 or 15 years of age who qualifies for juvenile offender status under New York Criminal Procedure Law §1.20 (42).
2. The Superintendent is required to refer students age 16 and older and any student 14 or 15 years of age who qualifies for juvenile offender status, who has been determined to have brought a “weapon” or “firearm” (as the applicable term is defined by the federal, Gun-Free Schools Act and corresponding provisions of New York Law) to school, to the appropriate law enforcement authorities.

## VI. DISCIPLINE OF STUDENTS WITH DISABILITIES

The district recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The district is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable federal and state laws and regulations. This code of conduct in is not intended to afford students with disabilities greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. Insofar as any provision of this Code confers greater or lesser rights than those afforded by applicable federal and state law and regulations, the Code shall be read, interpreted and applied strictly in accordance with applicable law.

### A. Definitions

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

A **disciplinary change of placement** is a removal from the child’s current educational placement for more than ten consecutive school days in the course of a school year, or a series of removals that constitute a pattern, because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to each other.

An **illegal drug** means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority under the Controlled Substances Act or under any other

provision of federal law. “Controlled substance” means a drug or other substance as defined under certain schedules of the Controlled Substances Act.

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

A **manifestation** means where the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or if the conduct was a direct result of the school district’s failure to implement the IEP.

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

A **serious bodily injury** shall mean a 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.

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

A **weapon** is defined as 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 that such term does not include a pocket knife with a blade less than 2 1/2 inches in length.

## **B. Suspensions or Removals**

Students with disabilities shall be afforded the same procedural protections set forth in Education Law §3214 as non-disabled students.

### **1. CSE Involvement**

- The student is identified as a student with a disability;
- A referral is pending with the home school district’s CSE; or



➤ The student is “deemed to be a student with a disability”, which includes students in the following situations:

- ✓ The parent has expressed concern in writing to school personnel that the student is in need of special education and related services (or orally if the parent cannot write or has a disability which prevents the parent from putting it in writing);
- ✓ The behavior or performance of the student demonstrates the need for special education in accordance with the definition of “a student with a disability”;
- ✓ The child’s teacher or other school district personnel has expressed concern about the behavior or performance of the student to the chairperson, a teacher, the principal, or other school personnel in accordance with the Child Find or CSE referral system.

**2. Suspensions Up To 5 Days**

A Principal, the Superintendent or the Board of Education may suspend a student from school for up to five (5) days, as long as the discipline imposed is consistent with the discipline imposed on non-disabled students under similar circumstances.

If a student with a disability is suspended from school, then the Principal, District Superintendent or Board of Education will be required to follow the procedures outlined in Article IX(B)(2)(a).

If it is determined that the suspension will not result in a disciplinary change of placement, then the suspension may be imposed without a manifestation determination.

➤ **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district’s CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- ✓ If the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- ✓ If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non-disabled student.

**3. Suspensions Over 5 Days**

If an out of school suspension of more than five (5) days is sought, a superintendent's hearing must be held in accordance with Education Law §3214(3)(c) and Article IX(B)(2)(b) of this Code of conduct.

➤ **Notice of Due Process Rights**

Parents are to be provided with written notice of their due process rights. Notice of procedural safeguards must be given not later than the day on which a decision to take disciplinary action which could result in a suspension of over ten (10) days is made. The notice must include a full explanation of procedural safeguards available, including those relating to procedures for students who are subject to placement in an interim alternative educational setting.

➤ **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- ✓ If the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs, or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, and is placed in an IAES).
- ✓ If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non-disabled student. The CSE should be notified of any disciplinary action which will be imposed so that it can meet within 10 days to develop/review the functional behavioral assessment and behavior intervention plan.
- ✓ If the suspension to be imposed will not result in a disciplinary change of placement, then a manifestation determination will not have to be conducted.

**4. IAES For Drugs/Weapons/Serious Bodily Injury**

If a student with a disability has been found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, then school personnel may order the student to be placed in an interim alternative educational setting ("IAES") for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days.

After a finding of guilt has been made at the superintendent's hearing, but prior to placing a student with a disability in an IAES, the CSE must conduct a manifestation determination. If the CSE determines that the student's behavior is a manifestation of his/her disability, the student may still be placed in an IAES for up to forty-five (45) days if he/she was found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district. Under such circumstances, the Superintendent may order the student to be placed in an IAES, but the appropriate interim alternative educational setting must be determined by the CSE.

#### **5. IAES For Dangerous Students**

In addition, or in the alternative, if the student is dangerous, the district may request an expedited hearing before an impartial hearing officer, who can order that the student be placed in an IAES for up to forty-five (45) days. removed from his/her current educational placement. The FAPE provided to such students shall meet the same requirements as an IAES.

If a suspension results in more than 10 cumulative days of suspension, but does not result in a disciplinary change of placement, the principal (or other designated school administrator) in consultation with the student's special education teacher, must arrange for services "to the extent necessary to enable the student to

- ✓ Progress appropriately in the general curriculum; and  
appropriately advance toward achieving the goals in the student's IEP.

### **VII. PREVENTING HARASSMENT, BULLYING AND DISCRIMINATION OF STUDENTS**

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity, and equality. The Board recognizes that discrimination and harassment, including but not limited to hazing, and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district. Such behaviors not only affect the students who are its targets but also affect those individuals who are participants or who witness such acts.

To this end, the Board condemns and strictly prohibits all forms of unlawful harassment, bullying and discrimination on school property at a school function, and off school property as set forth in this Code.

No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's 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 (including gender expression and identity), or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

The Board is aware that the implementation of an effective character education program that addresses discrimination and harassment and bullying prevention and intervention requires professional development. Training shall be provided to all District staff who have direct contact with students on a regular basis, so as to:

1. Raise awareness and sensitivity of school staff to potential harassment, bullying and/or discrimination; and
2. Enable school staff to prevent and respond to harassment, bullying and/or discrimination;

Such training may be implemented and conducted in conjunction with existing professional development training.

Students who have been discriminated against and/or harassed, or who have witnessed these things being done to other students, and parents whose children have been discriminated against and/or harassed are encouraged and expected to make a complaint or report (as applicable) and bring it to the attention of the applicable Dignity Act Coordinator. At all times, complaints will be documented, tracked and handled in accordance with the guidelines of the Code.

A record shall be made of each allegation of harassment, bullying and/or discrimination, together with a summary of the finding(s) of the investigation into each such allegation, and the disposition of the matter. If an allegation of harassment, bullying or discrimination is substantiated, at a minimum, the record shall include information about:

- the nature of bias or biases involved (e.g., whether the harassment, bullying and/or discrimination was based on 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, sex, sexual orientation or gender (including gender expression and identity));

- whether the incident resulted from student and/or employee conduct;
- whether the incident involved physical contact and/or verbal threats, intimidation or abuse;
- the location(s) where the harassment, bullying or discrimination occurred.

The District's Dignity Act Coordinators shall regularly report on data and trends related to harassment, bullying and discrimination to the Superintendent. Additionally, incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system as required.

There is a duty for all school personnel to report in accordance with this Code any incidents of student-to-student and staff-to-student harassment, bullying and/or discrimination that they witness, or of which they become aware, to the Dignity Act Coordinator for their school building, or to their immediate supervisor if they are not assigned to a particular school building. The supervisor to whom the report is made shall then identify and promptly forward the report within two school days to the appropriate Dignity Act Coordinator. A complaint form will be made available on the district's web site.

Results of an investigation will be reported back to both the target and the accused. If either of the parties disagrees with the results of the investigation they can appeal the findings to the BPC and/or Superintendent.

## **A. Disciplinary Consequences**

Consequences for a student who is found to have committed an act of harassment, bullying and/or discrimination shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's discipline record, and in accordance with the Code.

### **1. Remedial Disciplinary Consequences**

In addition to any other disciplinary consequences set forth in the District's Code(s) of Conduct, the Board and District are committed to implementing remedial responses to harassment, bullying and/or discrimination that are aimed at addressing the root causes of the

harassment, bullying and/or discrimination and correcting and preventing the recurrence of the problem behavior. Appropriate remedial consequences may include, but are not limited to:

- a. peer support groups;
- b. corrective instruction or other relevant learning or service experience;
- c. supportive intervention;
- d. behavioral assessment/evaluation;
- e. behavioral management plans, with goals for improvement that are closely monitored;
- f. student counseling and parent conferences.

## **2. Environmental Remediation**

In addition to imposing appropriate disciplinary consequences and remedial efforts aimed at addressing harassment, bullying and/or discrimination committed by particular students, building-wide and/or school-wide environmental remediation can be an important tool to prevent harassment, bullying and discrimination. Environmental remediation strategies may include, but are not limited to the following:

- a. supervisory systems which empower school staff with prevention and intervention tools to address incidents of harassment, bullying and discrimination;
- b. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- c. adoption of research based systemic harassment, bullying and discrimination prevention programs;
- d. modification of schedules;
- e. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations; and
- j. peer support groups.

## **B. Retaliation/Immunity from Liability**

No school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings. Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that harassment, bullying and/or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying and/or discrimination have not suffered retaliation.

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the Commissioner of Education or to law enforcement authorities, or who acts in compliance with paragraph e or i of subdivision one of section thirteen of Article of the Education Law, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

### VIII. STUDENT INTERVENTION AND DISCIPLINE CODE

#### Kindergarten-Grade 5 LEVEL 1

##### Infractions– Insubordinate Behaviors

- A01 Unexcused absence from school (A-E only)
- A02 Being late for school
- A03 Misuse of electronic devices or bringing prohibited electronic equipment or material to school without authorization
- A04 Failing to be in one’s assigned place on school premises
- A05 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)
- A05.1 Possessing/using inappropriate items (i.e. Water guns, nerf guns, walkie talkies, portable speakers, etc.)
- A06 Engaging in verbally rude or disrespectful behavior
- A07 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process
- A08 Posting or distributing material on school premises in violation of written Board of Education policy and/or school rules
- A09 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission

##### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Community service (with parental consent)

##### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- A. Redirection of activity by school personnel
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal designee)
- D. Parent or guardian conference
- E. In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher and immediate referral to the school administrative team



## Kindergarten-Grade 5 LEVEL 2

### Infractions – Disorderly Disruptive Behaviors

- A10 Smoking and/or possession of matches or lighters or nicotine vapes
- A11 Using profane, obscene, vulgar, lewd or abusive language or gestures
- A12 Lying to, giving false information to, and/or misleading school personnel
- A13 Misusing property belonging to others
- A14 Engaging in or causing disruptive behavior on the school bus
- A15 Leaving class or school premises without permission of supervising school personnel
- A16 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For grades K-3 only; see Infraction A25 for grades 4-5. For shoving, pushing, etc., see A21.)
- A17 Violating the School District’s Internet Use Policy (e.g., use of the District’s system for non-educational purposes, security/privacy violations)
- A18 Engaging in scholastic dishonesty which includes but is not limited to:
- Cheating (e.g., copying from another’s test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one’s self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
  - Plagiarizing (appropriating another’s work and using it as one’s own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) (grades 4-5 only)
  - Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to PPT (Pupil Personnel Team)
- Community service (with parental consent)
- Referral to a Community Based Organization (CBO)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence

### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- Redirection of activity by school personnel
- Student/teacher conference
- Reprimand by appropriate supervisor (e.g., assistant principal, principal designee)
- Parent or guardian conference
- In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime)
- Removal from classroom by teacher and immediate referral to the school administrative team
- Principal’s suspension for 1-5 days

### Kindergarten-Grade 5 LEVEL 3

#### Infractions – Seriously Disruptive Behavior

A19 Being insubordinate; defying or disobeying the lawful authority of school personnel

A20 Using slurs based upon 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, sex, sexual orientation, or gender (including gender expression and gender identity)

A21 Shoving, pushing, or engaging in other similar physical behavior towards students or school personnel (e.g., horseplay or pushing past another person), or throwing an object (e.g., chalk) or spitting at another person (for fighting use A30)

A22 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules

A23 Knowingly possessing property belonging to another without authorization

A24 Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means

A25 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For shoving, pushing, etc.)

A26 \*Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti\*\*, making gestures or signs)

A27 \*\*Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to school personnel, students or others

A28 Posting or distributing libelous material or literature (including posting such material on the Internet)

\* In determining whether the behavior is gang related, school officials may consult with the Suffolk County Police Department.

\*\* If there is substantial damage to property requiring extensive repair, the superintendent may extend the suspension up to one calendar year with the option for an appeals process which may lead to early reinstatement.

#### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

#### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

#### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- A. Redirection of activity by school personnel
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent or guardian conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension.

## Kindergarten-Grade 5 LEVEL 4

### Infractions – Dangerous or Violent Behaviors

- A29 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including posting such material on the Internet)
- A30 Engaging in physically aggressive behavior, other than horseplay, or other minor altercations.
- A31 Engaging in an act of coercion, intimidation, or threatening violence, injury or harm to another or others
- A32 Engaging in behavior which creates a substantial risk of or results in injury
- A33 Engaging in intimidating and bullying behavior, including cyber-bullying — threatening, stalking or seeking to coerce or compel a student or school personnel to do something; engaging in verbal or physical conduct that threatens another with harm; taunting and/or intimidation including through the use of epithets or slurs involving 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, sex, sexual orientation or gender (including gender expression or gender identity)
- A34 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to PPT (Pupil Personnel Team)
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- D. Parent or guardian conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension

**Kindergarten-Grade 5 LEVEL 4 continued**

**Infractions – Dangerous or Violent Behavior**

- A35 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.
- A36 Falsely activating a fire alarm
- A37 Making a bomb threat
- A38 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)
- A39 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)
- A40 Starting a fire
- A41 Inciting/causing a riot
- A42 Possessing any weapon(I)
- A43 Using/or possession of controlled substances, synthetic cannabinoids, edibles, vapes (other than nicotine) or prescription medication and/or over-the-counter medication without appropriate authorization, or using illegal drugs and/or alcohol

**Guidance Interventions**

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

**Supports for Students Transitioning from Suspension**

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

**Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions**

- D. Parent or guardian conference (K-3 only)
- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal’s suspension for 1-5 days
- H. Superintendent’s suspension
- I. Superintendent’s suspension for at least one year, subject to modification on a case-by-case basis

## Kindergarten-Grade 5 LEVEL 5

### Infractions – Seriously Dangerous or Violent Behavior

- A44 \*\*\*Threatening to use or using force to take or attempt to take property belonging to another
- A45 \*\*\*Using force against, or inflicting or attempting to inflict serious injury against school personnel
- A46 \*\*\*Using extreme force against or inflicting or attempting to inflict serious injury upon students or others
- A47 \*\*\*Planning, instigating, or participating with another or others, in an incident of group violence
- A48 \*\*\*Engaging in threatening, dangerous or violent behavior that is gang-related\*
- A49 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity
- A50 \*\*\*Selling or distributing illegal drugs, synthetic cannabinoids, prescription medication and/or over-the-counter medication without appropriate authorization, or controlled substances and/or alcohol
- A51 Selling any weapon(I)
- A52 Using any weapon to threaten school personnel, students, or others
- A53 Using any weapon, to attempt to inflict injury upon school personnel, students, or others(I)
- A54 Using any weapon, to inflict injury upon school personnel, students, or others(I)
- A55 Allowing unauthorized visitors to enter school in violation of written school rules
- A56 Threatening, posting, distributing or stating a threat of mass harm to a building, district, or individuals

\* In determining whether the behavior is gang-related, school officials may consult with the Suffolk County Police Department

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment
- Referral to law enforcement

### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- D. Parent or guardian conference
- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension
- I. Superintendent's suspension for at least one year, subject to modification on a case-by-case basis

## Grade 6-12 LEVEL 1

### Infractions – Insubordinate Behaviors

- B01 Unexcused absence from school (A-D only)
- B02 Failing to follow the school dress code
- B03 Cutting classes (reporting to school and failing to attend one or more programmed classes)
- B04 Being late for school or class
- B05 Misuse of electronic devices or bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)
- B05.1 Possessing/using inappropriate items (i.e. Water guns, nerf guns, walk-ie talkies, portable speakers, etc.)
- B06 Failing to be in one's assigned place on school premises
- B07 Behaving in a manner which disrupts the educational process (e.g., making excessive noise, etc.)
- B07.1 Engaging in a pattern of persistent L1 COVID-19/public health well-being protocol infractions
- B08 Engaging in verbally rude or disrespectful behavior
- B08.1 Engaging in disruptive or inappropriate behavior in the Café.
- B09 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process
- B10 Posting or distributing material on school premises in violation of written Board of Education policy and/or school rules
- B11 Failing to provide school officials with required identification
- B12 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST (Instructional Support Team)
- Community service (with parental consent)

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent or guardian conference
- E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher: After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher. Teacher must fill out a referral form and call the student's assistant principal's office to provide reason for removal.

**Grade 6-12 LEVEL 2**

**Infractions – Disorderly Disruptive Behaviors**

- B13 Smoking and/or possession of matches or lighters /Nicotine Vapes
- B14 Gambling
- B15 Using profane, obscene, vulgar, lewd, or abusive language or gestures
- B16 Lying to, giving false information to, and/or misleading school personnel
- B17 Misusing property belonging to others
- B18 Engaging in or causing disruptive behavior on the school bus
- B19 \*Engaging in a pattern of persistent Level 1 behavior in the same school year (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses in Level 1. Further, repeated Level 1 infractions are limited to Level 2 disciplinary responses.)
- \* This applies only to infractions B05-B12 in Level 1, grades 6-12.

**Guidance Interventions**

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

**Supports for Students Transitioning From Suspension**

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

**Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions**

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent or guardian conference
- E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher: After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher. Teacher must fill out a referral form and call the assistant principal's office to provide reason for removal.
- G. Principal's suspension for 1-5 days

## Grade 6-12 LEVEL 3

**Infractions – Seriously Disruptive Behavior**

- B20 Leaving class or school premises without permission of supervising school personnel
- B21 Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents
- B22 Entering or attempting to enter a school building without authorization
- B23 Using slurs based upon 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, sex, sexual orientation, or gender (including gender expression and identity)
- B24 Shoving, pushing, or engaging in other similar physical behavior towards students or school personnel (e.g., horseplay or pushing past another person), or throwing an object (e.g., chalk), or spitting at another person (for fighting use B39)
- B25 now B65 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules
- B26 \*Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti\*\*, making gestures or signs)
- B27 Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means
- B28 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (D-I only)
- B29 Knowingly possessing property belonging to another without authorization

\* In determining whether the behavior is gang-related, school officials may consult with the S.C.P.D 7th Precinct.

**Guidance Interventions**

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to a Community Based Organization (CBO)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

**Supports for Students Transitioning From Suspension**

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

**Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions**

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent or guardian conference
- E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher: After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher. Teacher must fill out a referral form and call the student's assistant principal's office to provide reason for removal.
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension



## Grade 6-12 LEVEL 3 continued

### Infractions – Seriously Disruptive Behavior

- B30 Engaging in sexual conduct on school premises or at school-related functions
- B31 Violating the District’s Internet Use Policy (e.g., use of the Department’s system for non-educational purposes, security/privacy violations)
- B32 Engaging in scholastic dishonesty which includes but is not limited to:
- Cheating (e.g., copying from another’s test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one’s self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
  - Plagiarizing (appropriating another’s work and using it as one’s own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source)
  - Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)
- B33 Taking video or photographs while on school property, during the school day, without authorization from school officials, is prohibited.
- B34 Posting or distributing libelous material or literature (including posting such material on the Internet)
- B35 Engaging in a pattern of persistent Level 2 behavior in the same school year (Whenever possible and appropriate, prior to imposing a Level 3 disciplinary response, school officials should have exhausted the disciplinary responses in Level 2. Further, repeated Level 2 infractions are limited to Level 3 disciplinary responses.

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment

### Supports for Students Transitioning From Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- Admonishment by pedagogical school staff
- Student/teacher conference
- Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- Parent or guardian conference
- In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities or communal lunchtime)
- Removal from classroom by teacher: After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher. Teacher must fill out a referral form and call the student’s assistant principal’s office to provide reason for removal.
- Principal’s suspension for 1-5 days
- Superintendent’s suspension

## Grade 6-12 LEVEL 4

### Infractions – Dangerous or Violent Behavior

B36 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)

B37 Taking video or photographs while on school property, during the school day, without authorization from school officials, is prohibited.

B37.1 Engaging in a verbal altercation with another student(s) which disrupts the education process.

B38 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet

B39 Engaging in a physically aggressive behavior, other than horseplay, or other minor altercations as described under B24, which creates a substantial risk of or results in minor injury

B40 Engaging in an act of coercion/intimidating or threatening violence, injury or harm to another or others

B41 Engaging in or causing disruptive behavior which creates a substantial risk of or results in injury

B42 Engaging in intimidating and bullying behavior, including cyber-bullying\*\*\*

— threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm; taunting and/or intimidation including through the use of epithets or slurs involving 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, sex, sexual orientation or gender (including gender expression and identity)

B43 Possessing controlled substances, synthetic cannabinoids, edibles, vape (other than Nicotine) or prescription medications or over-the-counter medications, etc.

B44 Falsely activating a fire alarm or other disaster alarm

B45 Making a bomb threat

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment
- Referral to law enforcement

### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- D. Parent or guardian conference
- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension

## Grade 6-12 LEVEL 4 continued

### Infractions – Dangerous or Violent Behavior

- B46 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.
- B47 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)
- B48 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)
- B49 Starting a fire
- B50 Inciting/causing a riot
- B51 Possessing any weapon (I)
- B52 Using controlled substances, synthetic cannabinoids, Edibles, Vape (other than Nicotine) or prescription or over-the-counter medication, etc.
- B53 Engaging in a pattern of persistent Level 3 behavior in the same school year (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school officials should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses.)

**Note:** Before requesting a suspension for possession of a weapon for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.

### Guidance Interventions

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment
- Referral to law enforcement

### Supports for Students Transitioning from Suspension

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

### Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions

- D. Parent or guardian conference
- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension for 1-5 days
- H. Superintendent's suspension.
- I. Superintendent's suspension for at least one year, subject to modification on a case-by-case basis

**Grade 6-12 LEVEL 5**

**Infractions – Seriously Dangerous or Violent Behavior**

- B54 Threatening to use or using force to take or attempt to take property belonging to another
- B55 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents
- B56 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others
- B57 Planning, instigating, or participating with another or others, in an incident of group violence
- B58 \*Engaging in threatening, dangerous or violent behavior that is gang-related
- B59 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity
- B60 Selling or distributing illegal drugs, synthetic cannabinoids, unauthorized prescription or over-the counter medication, or controlled substances and/or alcohol
- B61 Selling any weapon(l)
- B62 Using any weapon to threaten to inflict injury upon school personnel, students, or others(l)
- B63 Using any weapon to attempt to inflict injury upon school personnel, students, or others (l)
- B64 Using any weapon to inflict injury upon school personnel, students, or others (l) (Use when there is a gun or knife or weapon that requires police notification.)
- B65 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules
- B66 Threatening/Posting/distributing or stating a threat of harm to a building, district or individual.

\* In determining whether the behavior is gang-related, school officials may consult with S.C.P.D. 7<sup>th</sup> Precinct.

**Guidance Interventions**

- Parent or guardian outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative Approaches
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Peer mediation
- Mentoring program
- Conflict resolution
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to IST
- Community service (with parental consent)
- Referral to appropriate substance abuse counseling services
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to counseling services for bias-based bullying, intimidation, or harassment
- Referral to law enforcement

**Supports for Students Transitioning From Suspension**

Students returning from suspension should be provided with supportive services to facilitate their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student.

**Range of Possible Disciplinary Responses to Be Used in Addition to Guidance Interventions**

- G. Principal’s suspension for 1-5 days
- H. Superintendent’s suspension.
- I. Superintendent’s suspension for at least one year, subject to modification on a case-by-case basis

## IX. DISCIPLINARY RESPONSES

The following discipline responses can be utilized in accordance with all the procedural requirements said code of conduct.

### A. Removal from A Classroom by A Teacher

A student who engages in behavior which is substantially disruptive of the education process or substantially interferes with a teacher's authority over the classroom may be removed from the classroom and referred to the building administration.

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 away" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other 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. A teacher may remove a disruptive secondary student from class for up to one day, and a disruptive elementary student for not more than  $\frac{1}{2}$  the instructional day. (Note: The removal from class applies to the class of the removing teacher only.)

If the teacher finds that the disruptive student does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why the student is being removed from the teacher's classroom 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 finds that student poses a continuing danger to persons or property or that the students presents an ongoing threat of disruption to the academic process, then the teacher may remove the student immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with 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 and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notification must also inform the student's parents that they have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The principal may, at his or her discretion, require the teacher who ordered the removal to attend the informal conference.

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

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The teacher will provide lesson plans and materials for the instruction of the student for the period of removal.

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 with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his 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.

## B. Suspension from School

Students may be suspended from school when they engage in conduct that: 1) is disorderly or disruptive; 2) is insubordinate; and/or 3) that endangers the safety, morals, health or welfare of others. In addition, the District reserves the right to discipline students for “off-campus conduct” (i.e., conduct that occurs off school property) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educative process. The District also has the legal authority and reserves the right to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

### 1. PRINCIPAL’S SUSPENSION

A principal has the authority to suspend a student for 1-5 days when a student’s behavior.

### 2. SUPERINTENDENT’S SUSPENSION

A superintendent’s suspension may result in a period of suspension that exceeds five days. A student who receives a superintendent’s suspension must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on his/her behalf and to question the school’s witnesses.

## X. CORPORAL PUNISHMENT

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

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

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

The foregoing three alternative shall only be employed if alternative procedures and methods not involving physical force cannot reasonably be employed. Should a physical or mechanical restraint be applied on a student with a disability or should the student with a

disability be placed in a time out room, the district shall notify the parent, guardian, or person in parental relation of the student on the same day the restraint occurs. If the parent, guardian, or person in parental relation cannot be contacted after reasonable attempts are made, the school principal will document such efforts in writing to the Committee on Special Education.

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

## **XI. 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.

In addition, the Board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law, the district Code of Conduct, or other school rules.

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.

Before searching a student or the student's belongings, the authorized school official should attempt to get a student to admit that they possess physical evidence that they violated the law or the district code, or get 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.

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

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.



## **B. Documentation of Searches**

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

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

The Principal or the Principal's designee will be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or designee must clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or designee is responsible for personally delivering dangerous or illegal items to police authorities.

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

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

1. A search or an arrest warrant; or

2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials in connection with a matter relevant to the work or discipline of the school.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

### **C. Child Protective Services Investigations**

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

All requests by child protective services to interview a student on school property shall be made directly to the building Principal. The Principal shall set the time and place of the interview. The Principal shall decide if it is necessary and appropriate for a District official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the nurse or other District medical personnel (whenever possible of the same sex as the student) must be present during that portion of the interview.

A child protective services worker may not remove a student from District property without a court order, unless the worker has probable cause to believe that the student would be subject to imminent danger of abuse if he or she were not removed from District property before a court order could reasonably be obtained.

## **XII. VISITORS TO THE SCHOOLS**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.

2. All visitors to the school must report to the office of the principal 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 principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents of a student who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building principal, so that class disruption is kept to a minimum; provided, however, that nothing in this Code shall be deemed to give parents or other visitors a legal right to visit classrooms during instructional time.
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.

### **XIII. 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, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The 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. Damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Harass, bully or discriminate against any person on the basis of 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, sex, sexual orientation, or gender (including gender expression and identity), or on the basis of any other legally protected classification or characteristic.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions, except for appropriately licensed or authorized charitable organizations engaging in lawful fund-raising activities (e.g., raffles and/or games of chance), to the extent permitted by the district's facilities use policy and rules.
13. Refuse to comply with any reasonable order of identifiable school district officials 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.
16. Smoke a Cigarette, cigar, pipe, electronic cigarette (i.e., a vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).

**B. Penalties**

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

1. Visitors--Their authorization, if any, to enter or remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, or enter upon school premises without authorization, they shall be subject to removal, and arrest as circumstances may warrant.
2. Students--They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members--They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members--Those in the classified service of the civil service are entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivision 4--They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### **XIV. DISSEMINATION AND REVIEW OF THIS CODE**

##### **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 in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
2. Mailing (or otherwise providing, as specified by applicable law) a summary of the Code of Conduct written in plain language to all persons in parental relation to district students before the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption, and providing new teachers with a complete copy of the current Code upon their employment.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the Code available for review by students, parents and other community members on the district website, in school building offices and the district office.
6. Posting the complete Code of Conduct, including any annual updates and/or amendments to the Code, on the District's internet web site and also maintain current versions of related District policies pertaining to harassment, bullying and discrimination on the school district's internet website.

##### **B. Review of the Code**

The Board will sponsor 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. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.