BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT

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DISTRICT CODE OF CONDUCT POLICY
5300

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BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT
EST. 1898
DISTRICT 6
CRESCAM ET LUCEBO

I. Introduction

The Briarcliff Manor Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver, quality educational services without disruption or interference. The District is committed to:

- Ensuring each student is healthy, safe, engaged, supported, and challenged;
- Helping students develop self-discipline and social and emotional growth; and
- Guiding students in improvement and correction of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other district personnel, parents and other visitors is expected, as it is essential to achieving this goal.

The District actively promotes equity, cultural competence, inclusion and academic readiness. We promote a culturally and ethnically sensitive environment where each student is valued equally and where diversity and inclusivity is the norm. In support of this culture of equity and fairness the Briarcliff Manor Union Free School District ("District") has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, acceptance, honesty, and integrity. In addition, the District is dedicated to creating an environment that promotes student success, balanced with student rights and responsibilities. All students have the right to a safe, inclusive, and equitable education that meets their individual needs. Students share in the responsibility of establishing and maintaining a safe school environment.

All persons on school property must behave in a safe manner. When required by the District during an outbreak of a communicable disease, this may include maintaining appropriate distance from others and wearing face coverings and other personal protective equipment

The Board recognizes the need to clearly define the District's expectations for acceptable conduct on school property and at school functions, to identify the consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians ("parents"), and other visitors when on school property or attending a school function, whether on or off school property.

II. 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.

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

“Firearm” means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

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

“Gender identity” is one’s self-concept of gender as ~~being male or female~~ distinguished from actual biological sex or sex assigned at birth.

“Gender nonconforming” is a general term for a person whose gender expression differs from stereotypic expectations.

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

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

“Removal” means the act of a teacher in discontinuing the presence of the student in ~~his/her~~ their classroom for being disruptive or interfering with the teacher’s authority over the class.

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

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

“Restorative Practices” are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

“School function” means any school-sponsored event or activity, whether on or off school property, including virtual attendance for instruction, events and activities.

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

"Sexual orientation" is a person's emotional attraction to other people based on the gender of the other person.

"Transgender" is a general term and adjective used to describe a person whose gender identity or expression is different from that traditionally associated with the person's assigned sex at birth.

"Violent Student" means a student under the age of 21 who:

1. Commits~~, while on school property or at a school function~~, an act of violence upon a school employee, or attempts or threatens to do so; or
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts or threatens to do so; or
3. Possesses, while on school property or at a school function, a firearm, or a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death; or
4. Displays, while on school property or at a school function, what appears to be a firearm or weapon; or
5. Threatens, while on school property or at a school function, to use a firearm or weapon; or
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Knowingly and intentionally damages or destroys school district property; or
8. Threatens, verbally or by electronic means, to do harm to persons or property of others;

"Weapon" 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, 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, lighter, material or substance, animate or inanimate, that can cause physical injury or death when used to cause physical injury or death. Weapon also includes any other instrumentality or device defined as a weapon under the New York State Penal Law or the U.S. Code.

III. Student Rights and Responsibilities

It is the District's belief that each student should be treated as a person who can reasonably be expected to be responsible for ~~his/her~~their own behavior. Students who cannot accept this responsibility and violate school rules will be required to accept the consequences of their misbehavior.

This Code hereby sets forth rights and responsibilities of all District students.

A. Student Rights

- Students have the right to be informed of the rules and regulations to which they are subject.

- Students have the right to a safe school environment, free from discrimination and harassment. This includes transgender students and gender nonconforming students. To this end, the District will follow the July 2015 NYS Education Department *Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students*.

- Students have the right to be respected as an individual, and treated fairly and with dignity by other students and school staff.

- Students have the right to an appropriate education that prepares them to be productive members of our society.

- Students have the right to be provided with clear expectations regarding (a) course objectives, requirements, and state standards; (b) grading criteria and procedures; (c) assignment requirements and deadlines; and (d) school and classroom rules and expectations regarding behavior.

- Students have the right to participate in all aspects of school programs and activities regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation, or disability.

- Students have the right to freedom of expression and speech. However, such expression and/or speech is subject to limitation and may not disrupt the educational process by endorsing illegal activities, using profane language, or inciting violence. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Also, speech that materially and substantially disrupts the work and discipline of the schools may be subject to limitation.

- Students have the right to present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty, and access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

Students have the responsibility to know and follow the rules and regulations of the school, including this Code.

Students have the following responsibilities regarding their environment:

- to respect the rights and property of others.
- to respect and care for school property.

- to adhere to all school safety and health regulations and procedures.
- to contribute toward establishing and maintaining a safe and respectful atmosphere.
- to actively discourage inappropriate behavior of other students and report incidents to the administration.

Students have the following responsibilities regarding their education:

- to attend school and all classes regularly and punctually unless legally excused.
- to adhere to all school rules and policies.
- to respect the rights of others to reach their educational goals.
- to participate to the fullest extent in the educational process.
- to participate with academic integrity and hold themselves to the highest standard in all aspects of school behavior.
- to work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- to react to direction given by teachers, administrators and other school personnel in a respectful manner.
- to ask questions when they do not understand.

Students have the responsibility to demonstrate mutual respect for personal differences.

Students have the responsibility to express themselves in a manner that does not disrupt the orderly operation of the school and does not interfere with the rights of others.

Students have the responsibility to work to develop mechanisms to control their anger.

Students have the responsibility to dress appropriately for school and school functions.

Students have the responsibility to drive safely and behave responsibly as passengers on school grounds and at school functions.

Students have the responsibility to accept responsibility for their own actions.

Students have the responsibility to be truthful when speaking with school officials regarding violations of this Code.

Violations of this Code will be considered and may be a factor in determining any school-related honor or recognition.

IV. Essential Partners

A. Parents/ ~~and~~Guardians

All parents/~~and~~ guardians (“Parents”) are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure that absences are excused.
5. ~~Insist~~ Ensure that their children be dressed in a manner consistent with the standards set forth in this Code.
6. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education.
9. Build good relationships with teachers, other parents, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Inform school officials on medical, legal, and other matters that may affect the student in school.
13. Assist their children in finding an appropriate place for study and insist upon good work habits.
14. Be respectful and courteous to staff, other parents/guardians and students while on school premises or at school events and activities, whether on or off school premises.

B. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Conduct themselves professionally when engaged with students, staff, ~~and~~ families, and the school community.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Promptly report violations of this Code that are reported to them or are directly observed by them ~~that are violations~~ (i.e., academic integrity).
7. Immediately report and refer violent students to the principal or Superintendent.
8. Communicate to students and parents:
    a) Course objectives and requirements
    b) Marking/grading procedures
    c) Assignment deadlines
    d) Expectations for students
    e) Classroom discipline plan
    f) How best to communicate with the teacher.
9. Communicate regularly with students, parents and other teachers concerning growth and achievement.

10. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function.
11. Comply with education law and regulations regarding corporal punishment, reporting of suspected child abuse in the domestic setting and in the educational setting.
12. Maintain confidentiality in accordance with federal and state law.
13. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
14. Be open to active participation in resolving conflicts through a restorative process.

C. **~~Guidance~~ School Counselors ~~are expected to (in addition to expectations for teachers):~~**

All District School Counselors are expected to (in addition to expectations for teachers):

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary.
3. Regularly review with students their educational progress and post-secondary plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs based on their individual strengths and interests.
6. Be available throughout the school day to support student needs and respond to student-related emergencies.

D. **Principals and/or Assistant Principals ~~are expected to:~~**

All District Principals and Assistant Principals are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceive race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation, or disability.
2. Ensure that students and staff have an opportunity to communicate regularly with the principal and assistant principal and approach the principal and/or assistant principal for redress of grievances.
3. Evaluate on a regular basis all personnel and instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.
6. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function.

7. Comply with education law and regulations regarding corporal punishment, reporting of suspected child abuse in the domestic setting and in the educational setting.
8. Maintain confidentiality in accordance with federal and state law.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Be open to active participation in resolving conflicts through a restorative process.

E. **Superintendent of Schools ~~is expected to:~~**

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceive race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation, or disability.
2. Review with District administrators the policies of the Board and state and federal laws and regulations relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code consistently and ensuring that all cases are resolved promptly and fairly.
6. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee, or other person lawfully on school property or at a school function.
7. Comply with education law and regulations regarding corporal punishment, reporting of suspected child abuse in the domestic setting and in the educational setting.
8. Maintain confidentiality in accordance with federal and state law.
9. Address personal biases that may prevent equal treatment of all students and staff.

F. **The Dignity Act Coordinators ~~are expected to:~~**

The Dignity Act Coordinators are expected to:

1. Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation, or disability.
2. Identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources.
3. Coordinate training in support of the District's Bullying Prevention and Intervention Policy.
4. Be responsible for monitoring and reporting on the effectiveness of the District's Bullying Prevention and Intervention Policy.

5. Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of a student, school employee or person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students and staff.
7. Comply with education law and regulations regarding corporal punishment, reporting of suspected child abuse in the domestic setting and in the educational setting.
8. Maintain confidentiality in accordance with federal and state law.

G. **Board of Education**

Board of Education trustees are expected to:

1. Collaborate with the Superintendent to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Review at least annually the District's Code to evaluate the Code's effectiveness and the fairness and consistency of its implementation. A public hearing will be held in advance of any changes proposed for adoption to the Code of Conduct.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Comply with state education law and regulations regarding mandated reporting of suspected child abuse in an educational setting.
5. Maintain confidentiality in accordance with federal and state law.

It is expected that all volunteers, District staff and District officers will familiarize themselves with Board policies on prohibited discrimination and child abuse reporting and will adhere to the required procedures for the same.

V. Student Dress Code

All students are expected to give proper attention to personal ~~cleanliness~~ hygiene 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.

Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and career skills classes.

~~And,~~If directed by the Superintendent of Schools for reasons of safety and health, students must wear either a disposable surgical mask or appropriate multi-layered cloth mask while in buildings on campus or engaged in school-related activities, and on District provided transportation.

A student's dress, grooming and appearance, including hairstyle/color, jewelry, make-up, and nails, shall:

1. Be unlikely to injure people or damage property~~safe~~, appropriate according to this Code, and not substantially disrupt or materially interfere with the educational process.
2. Not include clothing and other articles that are distracting or revealing. These might include, but are not limited to, see-through garments, plunging neck and waistlines, pants worn low, loose fitting tank tops and short shorts. Tops must cover the stomach.
3. Ensure that undergarments are ~~completely~~ covered ~~with~~ 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. (For example open-toed shoes when using equipment or chemicals, during physical education, athletics and outdoor activities).
5. Not cover the student's face to the extent the student is not identifiable ~~include the wearing of hats in the classroom~~ except for medical and religious purposes ~~at the middle and elementary school. At the high school hats may be worn in class at the discretion of the teacher.~~
6. Not include items that are vulgar, obscene, ~~and~~ libelous or denigrate, harass or discriminate against others on account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation, or disability.
7. Not promote, endorse, or encourage the use of alcohol, tobacco, controlled substances, or illegal drugs and/or threaten or encourage other illegal or violent activities.

Nothing in this Code will be construed to limit the ability of students to wear or express their gender identity through clothing, jewelry, makeup, nail color, or styles that allow them to express their gender identity, and will students not be disciplined for doing so. Likewise, nothing in this Code will be construed to restrict students from wearing hairstyles historically associated with race (such as hair texture and protective hairstyles like braids, locks and twists) and students will not be disciplined for doing so.

Each building principal or ~~his or her~~ their 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. ~~Schools may have a more restrictive code.~~

Students whose appearance violates 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.

VI. Academic Conduct

To realize Briarcliff's vision of educating all students for personal fulfillment and active and responsible engagement in a global community, it is the District's obligation to ensure that our students learn that academic integrity is the moral and ethical foundation of their educational experience and their future endeavors. In order to ensure that academic integrity is protected and upheld, the District will not tolerate ~~violations~~ academic misconduct of any kind.

In subsequent academic professional and social environments, students will be expected to operate with integrity honor, and trust. These principles should be instilled in the elementary school and reinforced throughout the educational program. Teachers and parents need to work together to ensure that students understand the seriousness of all forms of academic misconduct, including, but not limited to cheating, plagiarism, inappropriately copying another student's work, altering records or academic materials, falsifying data or citations, ~~and~~ assisting another student(s) in any of these activities, and other incidents of academic misconduct. These actions not only invalidate students' accomplishments, but also diminish confidence in the school and in school-wide assessments and achievements.

There will be consequences for ~~cheating~~ academic misconduct commensurate with the age of the student, the nature and magnitude of the act, and the number of offenses. All offenses will result in consequences as indicated in this Code of Conduct. These consequences will be for cases of *intentional* violations, where students knowingly appropriate or present another's work as their own in a testing or assignment situation or cheat in any way. Cases of inadvertent cheating or plagiarism due to misunderstanding of instructions or lack of knowledge of proper citation standards or form will be handled at the teacher's discretion in consultation with the principal. In addition, the role and responsibility of teachers in reporting violations will be emphasized as part of the District's Code. Parents will be notified in every instance of alleged academic misconduct. Building administrators will enforce the disciplinary process and report incidents to the Board of Education. The District ~~will be~~ is committed to supporting reliable reporters of violations and will thoroughly investigate all reported violations, ~~and~~ protecting due process rights of those who are the subject of investigation.

As stated above, examples of academic misconduct include but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying another student's work inappropriately.
4. Altering records or academic materials.
5. False Citation.
6. False Data.
7. Assisting another student(s) in any of the above actions.
8. Other incidents of academic misconduct.

DEFINITIONS OF ACADEMIC MISCONDUCT

1. PLAGIARISM

The act of intentionally representing the words, ideas or sequence of ideas, discoveries, research, facts, charts, or other graphics of another person as one's own *without proper acknowledgement*. The source of the materials plagiarized may be written or oral, published, or unpublished, from the Internet, database, video, audio recording, lecture, course text, encyclopedia or other reference book, class handout, or the work of another student.

Plagiarism includes but is not limited to:

- paraphrasing without acknowledgement
- copying words verbatim without quotation marks or citation
- purchasing or accepting prepared research papers or class work from others
- freely using shareware graphics

- utilizing research gathered by others

NOTE: Certain information in any subject is considered "common knowledge" and may be used without citation. When in doubt, consult the teacher.

Multiple Submission/Self Plagiarism means reusing your own work that has been previously submitted and given credit for in another course without direct prior teacher approval

2. CHEATING

Using unauthorized information or materials or aids in any academic exercise. Such actions *include but are not limited to:*

- giving or getting test answers before, during or after an exam unless explicitly allowed or instructed by the teacher
- using prohibited electronic devices, signals, or deceptive strategies to communicate with others or obtain test related information inside or outside an exam room
- using prohibited written materials to obtain or to reference information during tests
- using an allowable device improperly to access information inappropriately
- leaving an exam room without authorization in order to get information
- creating deceptive signals or strategies to obtain information during an exam
- knowingly or intentionally ~~cheating on homework by~~ submitting assignments or papers created by someone else or copied from someone else.

3. COPYING

Taking someone's work as your own, either for homework or on an exam

4. ALTERING ACADEMIC MATERIALS

- Changing grade information on an exam, grade book, transcript, or other evaluative document
- Destroying, damaging, or stealing another student's work

5. FALSE CITATION

Giving credit to a source from which the material was not obtained (~~i.e.~~ e.g., footnoting a paragraph and citing a work that was never used

6. FALSE DATA

Making up or altering information to deliberately mislead ~~(i.e.~~ e.g., changing data in experiments to show a better result)

7. ASSISTING ANOTHER STUDENT IN ANY OF THE ABOVE ACTIONS

Providing assistance of any kind to another student attempting any of the above actions.

8. OTHER INCIDENTS OF ACADEMIC MISCONDUCT

Any other action by a student deemed by the faculty or administration to be academic misconduct.

Consequences for Academic Misconduct:

Specific and clear consequences are indicated in the Code to establish the District's intention to ensure that students realize the seriousness of the District's response to academic misconduct. All offenses

~~incurred~~ occurring at the middle school or high school will accumulate until the student graduates from that school. Teachers will report all incidents of academic misconduct to the principal or assistant principal electronically via eschool or other student management system. The following consequences will be applied in those cases where there is knowing intent ~~to take the work~~ of academic misconduct ~~of others and submit as one's own or cheat in any way~~.

Todd Elementary School

Each student in Todd School is expected to be a responsible class citizen. Good citizenship includes demonstrating proper conduct as well as being honest and truthful when taking tests, working on assignments, and writing reports.

Students are on their honor to do their own work both in and out of class unless otherwise directed by the teacher. Examples of academic dishonesty that are not acceptable at the elementary level are:

- copying another student's work
- cheating on a test (getting or giving answers from another student, or using prohibited books or notes)
- handing in a report written by another person
- handing in a research paper that is copied directly from the Internet or other source.

Demonstrating academic dishonesty can lead to a range of possible consequences depending on the student's age and nature of the offense including, but not limited to:

- Verbal warning
- Parent notification (verbal and/or written)
- Student written reflection
- Conference with student, parents, and administrator
- Academic consequence (e.g., failure or reduced grade on the exam or assignment)

Briarcliff Middle School

Middle School students are expected to be good citizens at all times. ~~In short,~~ They are expected to be students who demonstrate respect, responsibility, and integrity at all times. Students are accountable for doing their own work, unless directed otherwise by their teachers. Examples of academic dishonesty include, but are not limited to:

- Copying another student's work or homework.
- Cheating on a test (giving or getting answers from another student, or from prohibited books, notes or other means).
- Handing in a report written entirely by another person or handing in a report written in any part by another person without citation or attribution.
- Discussing or sharing information on a test in any way.

Consequences:

Demonstrating academic dishonesty in any way may lead to the following consequences:

First offense - Verbal warning and explanation by teacher to student, parent notification, failing grade on assignment or test, and incident report to the principal's office.

Second offense - All of the above as well as written reflection, and referral to school guidance team.

Third offense - All of the above as well as suspension from participation in after-school activities.

Briarcliff High School

High School students are expected to comply with the principles of honesty, integrity, honor, and trust in all academic endeavors.

Consequences:

Demonstrating academic dishonesty in any way may lead to the following consequences:

First offense – Zero or reduced grade for the assignment or test, not a "droppable" grade, parent notification and meeting with the principal or assistant principal. In addition, the following may be imposed: suspension of eligibility for honor societies or other student distinctions, such as distinguished students of the month, for up to one academic year (10-month period, excluding the summer months).

Second offense **–** All of the above, as well as temporary suspension extra-curricular activity privileges, referral to support staff.

Third offense - All of the above, as well as permanent removal from honor societies, referral to support staff, withdrawal from consideration as Valedictorian or Salutatorian or other honors and awards.

Fourth offense – All of the above, as well as five-day suspension from school for insubordination, and Superintendent's hearing.

VII. Prohibited Student Conduct

The Board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence, intimidation, bullying, harassment and discrimination.

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

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first attempt to create a change of behavior in the classroom.

Disciplinary action will be firm, fair, and consistent in order to be the most effective in changing behavior. The rules of conduct listed below are intended to focus on safety and respect for the rights and property

of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their behavior.

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

A. **Engage in Conduct that is Disorderly**
Examples of disorderly conduct include but are not limited to:

1. Running or otherwise unsafe behavior in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act (whether on or off school property), ~~which~~ that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Misusing computer/electronic communications, including any unauthorized use of computers, software, or Internet/intranet account; accessing inappropriate websites/apps either on District equipment or personal equipment while on school property or attending a school function; or any other violation of the District's "acceptable use" policy regardless of location.

B. **Engage in Conduct that is Insubordinate**
Examples of insubordinate conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel or otherwise demonstrating belligerence or disrespect.
2. Being late for, missing or leaving school without permission.
3. Skipping detention.
4. If directed by action of the Board of Education or Superintendent of Schools, failure to wear either a disposable surgical mask or appropriate multi-layered cloth mask while on campus, on District provided transportation or engaged in school activities, whether on or off campus.

C. **Engage in Conduct that is Disruptive**
Examples of disruptive conduct include but are not limited to:

~~Failing to comply with the directions of teachers, school administrators or other school personnel.~~

1. Any disturbances that disrupt instruction and/or the school environment (includes instigating or inciting others to commit any of the acts prohibited in this Code.
2. ~~Using personal electronic/digital devices, such as, but not limited to pagers, beepers, cell phones, iPods during the school day except when authorized in the event of emergency.~~Taking photographic images at any time on school grounds unless authorized to do so by the principal, teacher, adviser and/or the individuals being photographed.

3. Using camera phones/digital cameras or other electronic devices for purposes of taking ~~unauthorized~~ photographic images at any time on school grounds (unless authorized to do so by the principal, teacher, or adviser).
4. Misusing personal or District-owned electronic devices in school.
5. Inappropriate public displays of affection.
6. Inappropriate public sexual contact.

D. **Engage in Conduct that is Violent**

Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, or attempting or threatening to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property, or attempting or threatening to do so.
3. Possession and/or distribution of a weapon while on school property or at a school function.
4. Displaying a weapon or what appears to be a weapon.
5. Threatening to use any weapon or to employ any form of physical force.
6. Intentionally or negligently damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally or negligently damaging or destroying School District property.

E. **Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include but are not limited to:

1. Lying to school personnel.
2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct that creates a substantial risk of physical injury.
3. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
4. Engaging in defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Engaging in discrimination, which includes the use of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, weight, sex, gender (including gender identity, gender expression, and transgender status), sexual orientation or disability as a basis for treating another in a negative manner or to deny rights, equitable treatment or access to facilities available to others.
6. Engaging in harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, threatening or demeaning. See Policy 0115 for further definitions and examples of harassment and bullying.

7. Bullying, which includes use of force, threats, intimidation or ridicule, whether verbal or nonverbal, with another student.
8. Engaging in intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm or emotional harm.
9. Cyberbullying - bullying through the use of electronic/digital devices on school grounds or at a school function to willfully harm, bully, or threaten others; or that occurs off school property, including social media posts, and creates or foreseeably creates a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.
10. Hazing, which includes any ~~intentional or reckless~~ act involving harassment directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team that produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
11. Failing to report or summon assistance from a District staff person when a violation of this Code is observed.
12. Selling, using, possessing or distributing obscene material.
13. Using vulgar or abusive gestures or language, cursing, or swearing.
14. Smoking a cigarette, electronic cigarette, vaporizer or other nicotine delivery device, cigar, or pipe on school property ~~and within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school, or at school functions,~~or using chewing or smokeless tobacco or other tobacco products or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation) on school property and within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school or at school functions.
15. Possessing, consuming, selling, offering, distributing, or exchanging alcoholic beverages ~~or illega~~l or illegal substances, or being under the influence of alcohol or such illegal substances. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption. ~~(~~It is understood that in cases where prescription medications that are controlled substances might be required for students' use, the District's medication policy must be followed through the health office of the schools.~~)~~
16. Inappropriately using or sharing prescription and over-the-counter drugs.
17. Gambling.
18. Engaging in indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
19. Engaging in sexual conduct.
20. Initiating a report warning of fire, bomb or other catastrophe, without valid cause, misusing 911, ~~or~~ summoning police or local authorities falsely, or discharging a fire extinguisher.
21. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.

F. **Engage in Misconduct While on a School Bus**

*Examples of such misconduct include, but are not limited to, c*onduct prohibited by subsections A-E, above, or failure to remain seated, keep objects and body parts inside the bus, or obey the directions from the bus driver or monitor. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior ~~(sections A-E)~~. Conduct such as excessive noise, pushing, shoving, bullying, and fighting will not be tolerated.

G. **Engage in any form of Academic Misbehavior**

Examples of academic misbehavior include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering Records.
5. Assisting another student in any of the above actions.

H. **Engage in Off-Campus Misconduct that endangers the health and safety of students or staff ~~within the school~~ or substantially disrupts the educational process within the school or at a school function.**

Examples of such misconduct include, but are not limited to:

~~Cyber bullying - use of electronic/digital devices and communications, including social media posts, that occurs off school property to harass, bully, threaten or abuse others that creates or foreseeably creates a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.~~

1. Threatening or harassing students or school personnel ~~over the telephone~~ through any means off-campus, including cyberbullying (see above and Policy 0115 for ~~a complete~~ definitions of harassment, bullying, and cyberbullying ~~refer to Policy 0115, Student Harassment and Bullying Prevention and Intervention~~).
2. Using ~~message boards~~ any means, digital or otherwise, to convey threats, derogatory comments or posting pornographic pictures of students or school personnel.
3. A student may be subject to discipline for conduct constituting a crime ~~which~~ that is engaged in off-school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education reasonably believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare, or morals of the student and/or others in our schools.
4. A student may be subject to discipline for off-campus conduct that does not involve criminality that the Superintendent of Schools and/or Board of Education reasonably believe has a nexus to the educative process, i.e., student-student, student-personnel interactions that foreseeable would have a detrimental or disruptive effect upon school programs or activities.

VIII. Reporting Violations

All students are expected to promptly report violations of the Code to a teacher, guidance counselor, nurse, the building principal or ~~his or her~~ their designee. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function or engaging in any violent action shall report this information immediately to a teacher, the building principal, the principal's designee, or the Superintendent.

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

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

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

The building principal or ~~his or her~~ their designee will confer with the Superintendent of Schools and District legal counsel immediately and, where appropriate, immediately notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or ~~his or her~~ their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code ~~of conduct~~ and constituted a crime.

IX. Disciplinary Penalties, Procedures and Referrals

The District believes in an approach to discipline that recognizes developmental differences based on age and grade level. ~~Historically, the discipline of students in schools has focused mainly on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detention, and suspensions.~~

While historically, the discipline of students in schools has been largely punitive, understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the Board authorizes and encourages restorative justice practices to be employed where appropriate, such as using conflict resolution, restitution to those harmed, and group, classroom, community and re-entry circles to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others' opinions, and reintegrating into the school community.

In the application of restorative principles, the process is always voluntary for the students. Any parent (or student over the age of 18) can request to go to the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process. Similarly, the District may revert to the traditional disciplinary route if a student is unwilling to accept responsibility for their actions, and is not demonstrating willingness to make amends.

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

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

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

As a general rule discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, District staff are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to ~~his/her~~ their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. ~~Penalties~~Consequences

Practices which allow educators to address disciplinary matters as opportunities for learning instead of punishment are expected by the Board, rather than a reliance on increasing punitive measures. When choosing interventions and consequences of a student's behavior, teacher, administrators, and staff must balance the District's dual goals of eliminating school disruptions and maximizing student instruction time.

Students who are found to have ~~violated the District's Code~~ demonstrated inappropriate behavior may be subject to the following ~~penalties~~ interventions and consequences, either alone or in combination. The school personnel identified after each ~~penalty~~ consequence are authorized to ~~impose that penalty~~ to assign that consequence consistent with the student's right to due process.

In conjunction with the list below, administration (with supports from counselors) can employ conflict resolution meetings, restitute to those harmed, and group, classroom, community and/or re-entry circle. Except in limited circumstances, restorative justice practices will be considered first in dealing with disciplinary issues.

Should a parent or student over the age of 18 opt-out of participating in the restorative practices, or if restorative practices have not been effective with the student in question, the list below will be utilized to determine consequences.

1. Verbal warning, teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privileges - any member of the District staff
2. Written warning - ~~coaches,~~guidance counselors, teachers, assistant principal, principal, superintendent, coaches
3. Written notification to parent - ~~coaches,~~guidance counselors, teachers, assistant principal, principal, superintendent, coaches
4. Detention - teachers, assistant principal, principal, superintendent
5. Suspension from transportation - director of transportation, assistant principal, principal, superintendent
6. Suspension from athletic participation - coaches, assistant principal, principal, superintendent
7. Suspension from school functions including social or extracurricular activities (includes senior trip, the prom etc.) - activity director, assistant principal, principal, superintendent
8. Suspension of other privileges – assistant principal, principal, superintendent
9. In-school suspension – assistant principal, principal, superintendent
10. Removal from classroom for being disruptive or interfering with the teacher's authority over the class - teachers
11. Other removal from the classroom - assistant principal, principal
12. Short-term (five days or less) suspension from school – principal, assistant principal as designated acting principal in absence of the principal, superintendent, Board
13. Long-term (more than five days) suspension from school - superintendent, Board
14. Permanent suspension from school - superintendent, Board

B. **Procedures**

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

Students who are to be given ~~penaltied~~consequences other than a verbal warning, written warning or written notification to their parents are entitled to additional rights before the ~~penalty~~consequence is imposed. These additional rights are explained below.

1. Detention

   Teachers, assistant principals, principals, and the superintendent may use after-school or in-school detention as a ~~penalty~~consequence for student misbehavior~~conduct~~ in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a ~~penalty~~consequence only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

2. Suspension from transportation

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

   In such cases, the student's parent will become responsible for seeing that ~~his or her~~ their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance because the student is unable to find alternate transportation, the District will provide the student with the additional due process rights explained herein for a short or long term suspension.

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

3. Suspension from athletic participation, extra-curricular activities, and other privileges.

   Extra-curricular and co-curricular activities, ~~as well as,~~ and school functions (including dances, prom, and graduation) are privileges, not rights. A student subjected to a suspension from athletic participation, school functions, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the ~~penalty~~ consequence involved.

4. In-school suspension

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

conduct violation in “in-school suspension.” The in-school suspension teacher will be a certified teacher.

A student who receives an in-school suspension will be provided continued educational programming and therefore is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parents will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the ~~penalty~~ consequence involved.

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

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

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include using affective statements, using affective questions, establishing rapport with students, giving positive directives that state expectations, and giving positive and specific feedback, etc.

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

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

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why ~~he or she is~~ they are being removed and an opportunity to explain ~~his or her~~ their 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 student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why ~~he or she was~~ they were removed from the classroom and give the student a chance to present ~~his or her~~ their 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, in writing, that the student has been removed from class and why. The notice must also inform the parent that ~~he or she has~~ 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 written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone or email if the school has been provided with a telephone number(s) or email for the purpose of contacting parents.

The principal will require the teacher who ordered the removal to attend the informal meeting except in unusual circumstances. 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 overturn the removal of the student from class if the principal finds any of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's Code.
3. 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 meeting if a meeting is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the earlier of the principal ~~makes~~ making a final determination, or the period of removal expiring. ~~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~~ they are permitted to return to the classroom.

Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from ~~his or her~~their 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 will remove a student with a disability unless the teacher has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others, or are repeatedly substantially disruptive, or for whom restorative practices have not been effective. Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

Suspension from school is a severe ~~penalty~~ consequence which may be imposed only upon students who are severely insubordinate, disorderly, violent or disruptive, or whose conduct otherwise poses a threat to or endangers the safety, morals, health or welfare of others. ~~(Academic misconduct see section VI)~~

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

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

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

Students who participate in restorative practices ending in a restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the District.

a. <u>Short-term (5 days or less) suspension from school.</u>

When the superintendent, principal, or acting principal in the principal's absence (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §32l4(3), the suspending authority must immediately notify the student orally. If the student denies the ~~misconduct~~ misbehavior, the suspending authority must provide an explanation of the basis for the proposed suspension. In addition, 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 or to immediately suspend at the last known address for the parents. Where possible, notice should also be provided by telephone or email if the school has been provided with a telephone number(s) or email for the purpose of contacting the parents.

The written notice will provide a description of the charges against the student and the incident for which suspension is proposed or immediately imposed and shall inform the parents of the right to request an immediate informal conference with the principal and their right to ~~confront~~question complaining witnesses. ~~If the parents have difficulty understanding the English Language, they may request a copy of the charges in their dominant language.~~ ~~The District will permit the parents to retain an interpreter for the informal conference.~~ Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents, If the parents have difficulty understanding the English language, they may request the charges and other communications in their dominant language. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference will 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 will 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~~ their decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. Only final decisions of the superintendent may be appealed to the Commissioner of Education ("Commissioner") within 30 days of the decision.

b. <u>Long-term (more than 5 days) suspension from school.</u>

When the superintendent or building principal determines that a suspension for more than five days may be warranted~~, he or she shall~~ they must 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~~ them, and the right to present witnesses and other evidence on ~~his or her~~ their behalf. The superintendent may personally hear and determine the proceeding or may, in ~~his or her~~ their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before ~~him or her~~ them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing

officer shall make findings of fact and recommendations to the superintendent as to the appropriate measure of discipline. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

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

c. Permanent suspension

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

d. Procedure after suspension

The Board of Education may condition a student's early return from a suspension on the student's voluntary participation in a restorative conference, reentry circles, counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent~~/guardian~~ agree to this option, the terms and conditions shall be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed.

C. Minimum Periods of Suspension

1. Students who bring a firearm or weapon to school or possess a firearm or weapon in school.

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline maybe more effective.
5. Input from parents, teachers and/or others.
6. Nature of the offense.

7. Other relevant circumstances.

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

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

Any student who is found to have committed a violent act, other than bringing a firearm or weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed ~~penalty~~ consequence is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal meeting given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the ~~penalty~~consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

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

4. Use and/or possession of drugs and/or alcohol on school grounds, at school-sponsored activities and events, on or off school grounds, or on school- sponsored trips.

Any student who is under the influence of, or who uses, possesses, consumes, sells, distributes or exchanges alcoholic beverages or illegal or controlled substances as defined in Public Health Law Section 3306 or synthetic drugs whether specifically illegal or not, on school grounds or at off-campus school related events, including school-sponsored trips,

will be suspended out of school for at least five days. (It is understood that in cases where prescription medications that are controlled substances might be required for students' use, the District's medication policy must be followed through the health office of the schools. Similarly, all over-the-counter medications must be brought to the nurse's office and monitored by the nurse.)

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

D. Referrals

1. Counseling

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

2. Person in Need of Supervision (PINS) Petitions

The district may file a PINS petition in Family Court on any student under the age of 18 who demonstrates that ~~he or she~~ they require supervision and treatment by:

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
c. Knowingly and unlawfully possesses illegal or controlled substances in violation of the Penal Law. A single violation of the Penal Law will be a sufficient basis for filing a PINS petition.
d. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee).
e. Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.
f. For students with disabilities, a CSE meeting will be held, and a manifestation determination will be made before filing a PINS petition.

For items 'a" and 'b' above, when filing the petition, the District must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court and to appropriate enforcement authorities.

a. Any student under the age of 16 who is found to have brought a weapon to school, or
b. Any student at least 13,14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status under Criminal Procedure Law §1.20(42) to the appropriate law enforcement authorities.

X. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. Students with disabilities will receive alternative instruction in accordance with their Individual Education Programs (IEPs). The Board of Education expects students, administrators, teachers, and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

XI. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate this code of conduct and/or to temporarily remove a student with disabilities from ~~his or her~~their current placement to address disruptive or problem behavior that is substantially likely to result in injury to the student or to others. The Board expects that this will be a sparingly used option and staff will employ restorative practices, such as conflict resolution meetings, restitution to those harmed, and group, classroom or community circles, as appropriate, for a particular student. Restorative justice practices will be considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process, and such practices are allowable under their IEP.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York State Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove ~~whenever school authorities intend to impose discipline upon~~ them from school or class. Under certain conditions those protections extend, as well, to students presumed to have a disability for discipline purposes.

The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. ~~Under certain conditions those protections extend, as well, to students presumed to have a disability for discipline purposes.~~

This Code affords students with disabilities and students presumed to have a disability for discipline purposes, who are subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

   A "suspension" means a suspension pursuant to Education Law § 3214. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension, a change in the placement to an interim alternative educational setting (IAES) by a superintendent for behavior involving weapons, illegal drugs, or controlled substance and change in placement to an interim alternative educational setting ordered by an impartial hearing officer because the student poses a risk of harm to ~~himself or herself~~ themselves or others.

   "Interim alternative educational setting" (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred for a period of up to 45 school days recommended by the CSE, that enables the student to continue to progress in the general curriculum, as well as to continue to receive those services and modifications set forth on the student's current IEP, that will enable the student to meet the goals set out in such IEP, and include services and modifications, including, if appropriate, a functional behavior assessment and behavioral intervention plan, to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from ~~his or her~~ their current educational placement as follows:

   a. The Board, the superintendent, the district (BOCES) superintendent or a building principal, who are authorized to suspend students under the Education Law, may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
   b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
   c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misbehavior ~~misconduct~~, as long as the removals do not constitute a disciplinary change of placement.
   d. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for a period in excess of 10 consecutive school days if the

manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

e. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student (1) carries or possesses a weapon to school or at school, on school premises, or to or at a school function, (2) the student engages in conduct involving "serious bodily injury" while at school or at a school function, or (3) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except [for] a pocket-knife with a blade of less than 2 ½ inches in length." While a pocket-knife with a blade of less than 2 ½ inches in length is not a weapon for purposes of Commissioner's Regulation ~~section~~ §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.

2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

3. Subject to specified conditions required by both federal and state law and regulations, the Board of Education may initiate a "dangerousness" impartial hearing. An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in ~~his or her~~ their current educational placement is substantially likely to result in injury to the student or others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
   a) For more than 10 consecutive school days or
   b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than

10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

C. Special Rules Regarding Suspension/Removal of Students with Disability

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

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

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

   b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made by the Superintendent of Schools to place a student in an IAES either for misconduct involving weapons, serious bodily injury, illegal drugs or controlled substances or a decision is made by an impartial hearing officer to place a student in an IAES in a dangerous situation, or a decision is made by the Board, Superintendent of Schools or building principal to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if,

in accordance with federal and state statutory and regulatory criteria, the District is deemed to have ~~acknowledge~~ had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a) The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- conducted an individual evaluation and determined that the student is not a student with a disability, or

- determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, serious bodily injury, illegal drugs or controlled substances or because maintaining the student in ~~his/her~~ their current educational setting is substantially likely to result in injury to the student or others, or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal meeting available to parents of non-disabled students under the Education Law and this Code.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non- disabled students, except that school personnel may not impose such removal for more than 10 consecutive school days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

§504/ADA Disability

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi- disciplinary committee must make a determination whether the conduct underlying the charges was a manifestation of the student's disability.

- If a nexus is found between the disability and the conduct, no additional discipline shall be imposed, and the record of discipline imposed to date shall be expunged.

- If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placements i.e., a suspension, removal, or transfer in excess of ten (10) school days, must be preceded by notice and an evaluation conducted by the §504 team.

- Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol or who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

D. Expedited Due Process Hearings

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

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

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

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

2. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES, by a hearing officer in an expedited due process hearing where the District maintains that it is dangerous for the student to remain in ~~his or her~~ their current educational placement.

3. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, ~~he or she~~ they must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities In accordance with the provisions of IDEA and its implementing regulations:

1. Consistent with its authority under applicable law and regulations, the District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are reported in accordance with the Family Educational Rights and Privacy Act (FERPA) and transmitted for consideration to the appropriate authorities to whom a crime is reported.

XII. The Dignity Act

The District is committed to providing an educational environment that promotes respect, dignity and equality in accordance with The Dignity Act, and creates and maintains high behavioral standards and expectations.

All students have the right and responsibility to attend and participate in school regularly, be respectful and considerate of others and follow the Code of Conduct in school buildings, on school grounds, on school buses, field trips, and at all other school functions and events. Students are expected to treat

others as they would like to be treated. All students have the right to feel safe at school, to grow and learn without worry or fear of physical or emotional harm.

To that end, the administrators, faculty, staff and students will participate in activities designed to support a school climate of caring and respect, and to proactively prevent discrimination, harassment, and bullying, including cyberbullying. These developmentally appropriate activities are designed to foster an acceptance and understanding of differences, provide alternative behaviors and responses, and build the capacity to prevent and reduce bullying.

All students have the responsibility to treat each other with caring and respect. No student shall be treated differently or unfairly because of actual and/or perceived differences. This includes saying hurtful words and/or doing hurtful things either in person, on a computer or other electronic device, or in any other way. Students who feel uncomfortable and/or unsafe because of the words or actions of others should immediately speak with a teacher, administrator, coach, or other adult.

The School District, in accordance with The Dignity Act, specifically prohibits discrimination, harassment, bullying, taunting, hurtful teasing, and cyberbullying that negatively impact the ability of a student to focus on schoolwork and participate in school activities.

Definitions:

Bullying: A form of harassment (see below).

Cyberbullying: Harassment through any form of electronic communication.

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

Harassment: Creating a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for ~~his/her~~ their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles, including but not limited to braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity, gender expression and transgender status).

~~The above conduct includes, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race (including traits historically associated with race, such as hair texture and~~

~~protective hairstyles such as braids, locks and twists), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.~~

Dignity for All Students	
Race	White, Black or African American, Hispanic/Latino, American Indian or Alaskan Native, Asian, Native Hawaiian of Other Pacific Islander; Two or more races.
Color	Color of a person's skin.
Weight	The size of a person.
National Origin	Where your relatives were born.
Ethnic Group	Being a part of a group of people who are connected by a shared language, culture, and/or common religion.
Religion	Religious or spiritual belief.
Religious Practice	The expression of your religious belief, customs, traditions, etc.
Disability	A person's body or mind that does not look or work the same as others.
Sex	Being a boy or girl.
Sexual Orientation	A person liking a boy or girl.
Gender: Gender Expression Gender Identity Transgender	Actual or perceived sex, including: How a person expresses being a boy or girl to others, such as behavior, clothing, hairstyle, voice, mannerisms How a person thinks of oneself as being a boy or girl An adjective that describes a person whose gender identity does not correspond to their assigned sex at birth

XIII. Physical Restraint

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 refrain from further disruptive acts.

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

XIV. Student Searches and Interrogations

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

In addition, the Board authorizes the superintendent, building principals, the assistant principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code. Whenever practicable, a second authorized person should be present at any search.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety.

Certificated professional employees will be presumed to be reliable informants. Before searching a student or the student's belongings, the authorized school official should encourage the student to voluntarily admit that ~~he or she~~ they possess physical evidence that they violated the law or the District Code, or urge 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 regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places, including computers. 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, including computers, may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. ~~Cell Phones~~ Personal Electronic Devices

Teachers and administrators are authorized to confiscate student ~~cell phones~~ personal electronic devices that are being used in violation of this code of conduct~~and/or policy 5695, Student Use of Electronic Devices~~. Teachers and administrators are permitted to look at the screen of the ~~cell phone~~ device and can request the student's cooperation to search the ~~cell phone~~ device further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney.

C. Documentation of Searches

The authorized school official conducting the search ~~shall be~~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 search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and ~~his or her~~ their title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found. 11. Time, manner and results of parental notification.

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

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to 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~~

Before police officials are permitted to question or search any student, the building principal or ~~his or her~~ designee ~~shall~~ must 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 or the parent does not consent, the questioning or search shall not be conducted~~unless the student is 16 years of age or older~~. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function ~~should~~ will be afforded the same rights they have outside the school by police officials. This means:

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

E. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services (CPS) when they have reasonable cause to suspect that a student has been abused or maltreated or educationally neglected, 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, maltreatment, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or ~~his or her~~ their designee. The principal or ~~his or her~~ designee shall set the time and place of the interview. The principal or ~~his or her~~ designee shall require professional identification from the CPS worker and also request the CPS worker to identify the specific child or children they are seeking to interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.

If the nature of the allegations is such that it may be necessary for the student to remove any of ~~his or her~~ their clothing in order for the CPS worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove ~~his or her~~ their clothing in front of a CPS worker or school district official of the opposite sex. The CPS worker must provide official identification.

A CPS worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if ~~he or she~~ they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XV. Visitors to the Schools

Since schools are a place of work and learning, and to ensure safety and security in the schools, limits must be set for visits to the campuses. The building principal or ~~his or her~~ their 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 he school must enter through the designated single point of entry and report to the office of the principal upon arrival at the school.
3. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
4. After school hours, visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. 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.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

XVI. 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~~ expectations for 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 ~~dispensable~~ important 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 while on school property or attending a school function:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. Intentionally damage or destroy school district property or the personal property of a

teacher, administrator, other district employee, student or any person lawfully on school property, including graffiti or arson, or remove or use such property without authorization.

3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials that are vulgar, obscene, and libelous or denigrate others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, religious practice, creed, national origin, ethnic group, weight, age, sex, gender (including gender identity, ~~and~~ gender expression, and transgender status), sexual orientation, or disability, or that promote, endorse or encourage illegal or violent activities, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion, religious practice, national origin, ethnic group, ~~religion, religious practice~~weight, ~~age,~~sex, gender (including gender identity, ~~and~~ gender expression, and transgender status), sexual orientation, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Refuse to leave any building or facility after being directed to do so by an administrator, member of the faculty, employee, or Board member.
8. Obstruct the free movement of any person in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles (e.g., drive recklessly, speed, fail to follow traffic directions, park in unauthorized areas);
10. Possess, consume, sell, offer, manufacture, distribute, or exchange alcoholic beverages, illegal or controlled substances, including synthetic drugs whether specifically illegal or not, or be under the influence of any of such items on school property or at a school function.
11. ~~Use~~ Smoke cigarettes, electronic cigarettes/vapes, cigars, or pipes on school property or within 100 feet of any entrance, exit or property of an elementary or secondary school building or at school functions, or use tobacco, chewing or smokeless tobacco, or any other tobacco-related products on school property or at school functions. ~~Use any other tobacco products on school property.~~
12. Smoke, vape and/or ingest cannabis or concentrated cannabis (including cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
13. 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 superintendent or ~~his/her~~ their designee.
14. Loiter on or about school property.
15. Spit or engage in other unhygienic behavior on school property or at school functions.
16. Gamble, including on-line gambling, on school property or at school functions.
17. Refuse to comply with any reasonable order of identifiable District officials performing their duties.
18. Willfully incite others to commit any of the acts prohibited by this Code.
19. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function.

B. **~~Penalties~~ Consequences**

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

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

C. **Enforcement**

The building principal or ~~his or her~~ their designee shall be responsible for enforcing the provisions of this Code.

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

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

XVII. Dissemination and Review

A. Dissemination of Code of Conduct

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

1. Providing copies of the Code to all students at a general assembly or class meeting (as appropriate at each grade level) held at the beginning of each school year ~~and obtaining written acknowledgements of receipt~~.
2. Providing access to the Code to all parents, students, faculty, staff and the community through the District website.

3. Mailing a summary of the Code written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with electronic access to the Code and any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with electronic access to the current Code when they are first hired.
6. Providing a printed copy of the Code of Conduct to parents, students, faculty and staff, and community members upon request.

The District will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code. 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 Code of Conduct is available on the school web site at www.briarcliffschools.org.

The District will review this Code 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. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

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