

EDGEMONT UNIFIED SCHOOL DISTRICT CODE OF CONDUCT

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1. INTRODUCTION

The Board of Education is committed to providing a safe, orderly and inclusive school environment where all members of the Edgemont school community will feel free to participate in a positive and productive learning and working environment, without disruption or interference. Students, teachers and other district staff, parents and other visitors are expected to be good citizens, and responsible behavior by all within this community is essential to achieving this goal.

The district expects those on school property and at school functions to conduct themselves with civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board thus adopts this Code of Conduct in order to clearly define the expectations for acceptable conduct, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and equitably.

Unless otherwise indicated, this Code of Conduct applies to all students, school staff, parents, and other visitors on school property, attending a school function, or engaging in any off-campus activity that targets school operations, staff, or students. It complies with the mandated Project SAVE legislation and has now been revised to comply with the newly enacted Dignity for all Students Act ("DASA").

This Code of Conduct shall:

- Identify, recognize and promote acceptable behavior;
- Identify, recognize and prevent unacceptable behavior;
- Promote self-discipline;
- Consider the welfare of the individual, as well as that of the school community as a whole;
- Foster a close working relationship between parents/guardians and school staff;
- Distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- Provide disciplinary responses that are appropriate to violations of the Code of Conduct;
- Outline procedures to ensure that the Code of Conduct is administered in a way that is fair, firm, reasonable, and consistent;
- Protect every student's right to privacy, reasonable procedures and due process when accused of misconduct;
- Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

The Board is responsible for ensuring that essential regulations are established and sufficient order is maintained in the operation of the schools to promote safety, and to support the social and educational growth of students. Administrative regulations shall be developed and enforced by school administration and staff.

A parent/guardian is expected to assume primary responsibility of their child. A parent/guardian may be called upon to collaborate actively with their child's school in providing the necessary structure to promote their child's social, emotional and/or educational growth. To this end, a strong family-school partnership characterized by active and constructive communication will be fostered by the schools.

2. DEFINITIONS

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

"Bullying" means the repeated actions or threats of action directed toward a person by one or more people who have or are perceived to have more power or status than their target in order to cause fear, distress or harm. Bullying can be physical, verbal, psychological or any combination of these three.

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

"Cyberbullying" means the use of any electronic communication technology to bully or harass, as defined herein, regardless of the location or type of communication used.

"Discrimination" means using actual or perceived race, color, creed, national origin, religion, gender identity or expression, sex, sexual orientation, disability, weight, ethnic group or religious practice as the basis of treating a person or persons negatively.

"Disruptive Student" means a student under the age of 21 who substantially disturbs the educational process and/or substantially interferes with a teacher's authority over the classroom. A substantial disruption occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions and/or repeatedly violates the teacher's classroom behavior rules.

"Employee and/or staff member" means any person receiving compensation from the Edgemont Union Free School District, or an employee of a contracted service provider, or a worker placed within the school under a public assistance employment program, for the provision of educational or related services to the district, its students or staff.

"Gender" means a complex combination of roles, expressions, identities, performances, and more that are assigned subjective meaning by a society. Gender is both self-defined and society-defined.

"Gender Expression" means how a person expresses their own gender outwardly and/or the facets of a person's expression that have gendered connotations in our culture. There is no right or wrong way to express gender.

“Gender Identity” means a person’s deeply held knowledge of their own gender, which can include being a man, woman, another gender, or no gender. Gender identity is an innate part of a person’s identity: One’s gender identity may or may not align with society’s expectations with the sex they were assigned at birth (male, female, or intersex).

“Harassment” means a form of conduct that adversely affects the ability of one or more students to participate in or benefit from a school’s educational programs or activities because of the conduct. This can include conduct based on an individual’s actual or perceived race, color, national origin, sex, disability status, sexual orientation, gender identity or expression, ethnicity, religion, or any other distinguishing characteristics or is based on association with a person or group with any person with one or more of the actual or perceived characteristics listed here. Harassment can be verbal, physical, written or electronic communication.

Conduct prohibited by this Policy may also violate Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, as well as other applicable federal and state laws.

“IDEA” means the Individuals with Disabilities Education Act, as subsequently amended.

“Illegal drugs” means a controlled substance except for one that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

“Repeatedly substantially disruptive” means engaging in conduct that results in classroom removal pursuant to Education Law section 3214 (3a) and to this Code on four or more occasions in one semester or three or more occasions during a trimester.

“School function” means any school-sponsored extracurricular event or activity.

“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 school, or in or on a school bus, as defined in Vehicle and Traffic Law section 142.

“Sexting” means sending and/or forwarding sexually suggestive language and/or nude or nearly nude photos through electronic means, such as texting, e-mail, or instant messaging.

“Sexual orientation” means a person’s romantic and/or sexual attraction to other people. This includes being straight, gay, bisexual, queer, asexual, or many other terms used to describe sexual orientation. This is different and distinct from gender identity.

“Student with a disability” or “students with disabilities” means a student(s) who is or are classified as having one or more disabilities as defined in the IDEA and most recent amendments, through Public Law section 114-95 or Section 504 of the Rehabilitation Act.

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

- Attempts to commit an act of violence on another person on school property or at a school function.
- Possesses or displays what appears to be a weapon on school property or at a school function.
- Threatens to use a weapon, device, instrument, material, or substance that can cause physical injury or death while on school property or at a school function.
- Knowingly and intentionally damages the personal property of any person on school property or at a school function.
- Commits a hate crime as defined in the Hate Crimes Act of 2000 (New York Penal Law §§ 485.00-485.10).
- Knowingly and intentionally damages or destroys district property.

"Weapon" means a firearm as defined in 18 U.S.C. § 921 for the purposes of the Gun Free School Acts or under 18 U.S.C. § 930(g)(w). It also means any kind of gun, blade, sharp instrument, object or device that is used to inflict harm on another.

3. STUDENT RIGHTS AND RESPONSIBILITIES

The district is committed to safeguarding the rights given to all students under state and federal law, which promote a safe, healthy, orderly, and civil school environment. The Edgemont school community also recognizes the need to model and promote behaviors that are most supportive of learning. We expect our students to behave in a manner that promotes respect, safety, privacy, fairness, tolerance and cooperation. We expect students to treat others the way they want to be treated and to accept responsibility for their actions. Furthermore, enjoying their rights under this Code also requires that they exercise responsibility.

	<u>Right</u>	<u>Responsibility</u>
Public Education:	Students in Edgemont have the right to a free, public education.	Students have the responsibility to come to school daily and attend every assigned class, prepared to fulfill all course requirements at the time designated by the teacher.
Supportive Environment:	Students have the right to learn in a safe, supportive and orderly school environment that focuses on positive student behavior.	Students have the responsibility to refrain from bullying, harassing and/or discriminating against others and to report any such conduct that occurs to a teacher or District administrator.
Freedom of Expression:	Students have a Constitutional right to freedom of expression, provided that such expression does not	A student's Constitutional right to freedom of expression will not extend to libelous, slanderous, vulgar, lewd,

	materially disrupt classwork or involve substantial disorder or invasion of the rights of others.	indecent, obscene or hateful words, symbols or images which by their very use cause harm, hurt, anxiety, isolation and/or incite others to commit acts of violence.
Freedom of Press:	Students have the right to express their personal opinions in writing, as long as such material is signed by the author and follows the guidelines identified in the "Freedom of Expression" section.	Student authors must take responsibility for what they write. They must avoid any statements that are libelous, obscene, or attack others. Any written material can be distributed only at the times and in the places designated by school officials. Students must see that the distribution of such material does not disrupt the educational process.
Assembly:	Students have the right to assemble peacefully.	Students have the responsibility to ensure that any meetings on the school campus are either part of the formal educational process or are authorized by the school administration. Meetings or demonstrations that interfere with the normal operations of the school or of particular classrooms are not allowed.
Attire:	Students have the right to follow personal standards of dress and grooming.	Students must ensure that their personal standards comply with the responsibilities set forth in this Code of Conduct, including the parameters of the Freedom of Expression section above
Access to School Facilities:	Students have the right to use school facilities subject to the routine operating procedures set at the building level.	Students have the responsibility to use the school facilities in a safe and respectful manner, and within routine operating procedures. Each student must help keep the school clean and orderly. Each student must ensure that their use of the school facilities does not infringe on the rights of others to use the same facility.
Extra-Curricular Activities & Clubs:	Students have the right to an equal opportunity to be considered for participation in school-sponsored programs and activities.	Student organizations have the responsibility not to engage in discrimination as defined above in their membership and recruitment practices.. Every student organization

		<p>must be sanctioned by the school administration before it can use school facilities.</p> <p>Please note that any student participating in an extracurricular activity or attending an extracurricular activity as a spectator on or off-campus is expected to follow this Code of Conduct.</p>
<p>Availability of School Rules & Regulations:</p>	<p>Students have the right to be informed of the contents of the Code of Conduct of the Edgemont Union Free School District. Each student will be provided with access to an electronic copy of the Code of Conduct from the District at the start of each school year, in addition to a plain language summary of the Code of Conduct that will be distributed at a school assembly held at the beginning of each school year. Electronic copies of the Code of Conduct will also be available to parents at the start of each school year. The Code will be reviewed annually in conjunction with the opening of school. The Board of Education shall designate a responsible administrator to ensure programs are provided in accordance with 8 NYCRR 100.2, for in-service education for all district staff members to ensure effective implementation of school policy on school conduct and discipline.</p>	<p>All members and visitors of the school community will be responsible for reading and acting in accordance with this Code of Conduct.</p>
<p>Due Process:</p>	<p>Students have a right to a defined procedure for how student disciplinary infractions are reviewed, and how decisions are subsequently determined. This procedure is called "due process." Students will have a right to be told the reasons for disciplinary actions being considered and a right to present their account of the event(s) in question. Due process is designed to protect students from the arbitrary exercise of authority.</p>	<p>Students have the responsibility to be aware of the steps of due process. They should cooperate with school authorities by providing any and all information needed to make a prompt and fair decision. The formal due process steps are outlined later in this Code of Conduct.</p>

General Student Responsibilities:

All district students have the responsibility to:

- Help maintain a safe, supportive and orderly school environment that is conducive to learning and show respect to other persons and to property.
- Be familiar with, and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class on time and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of individual success.
- Work to the best of their ability to prioritize personal well being and social and emotional health.
- Respond to teachers, administrators, and other school staff in a respectful, positive manner.
- Ask questions when they do not understand.
- Seek help in solving problems.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of civility, demeanor and sportsmanship.

4. ESSENTIAL PARTNERS

Maintaining a safe, supportive, orderly, and learning-rich environment requires the participation of all school community members. The district relies on essential partners to maintain a climate of mutual respect and dignity and to foster a culture of equity, inclusivity and belonging in which all members of the community feel valued. Such partners are expected to help confront issues of discrimination, harassment, or any other situation that threatens the safety or emotional or physical health of any student, school employee or other person who is lawfully on school property or at a school function. Essential partners of the district and the corresponding expectations of those partners include:

Parents

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send children to school ready to participate and learn.
- Ensure that attendance is consistent and punctual.
- Ensure absences are appropriate.
- Ensure children have access to suitable accommodations where schoolwork can be completed.
- Help children understand that appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help children understand them.

- Convey a supportive attitude toward education and the district.
- Build good working relationships with teachers and other parents.
- Proactively support their child's social and emotional health and well-being.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Seek additional support as necessary.

Teachers

- Maintain a climate of mutual respect and dignity.
- Underscore the importance of students' social and emotional well-being within the classroom environment and promptly address any concerns.
- Know school policies and rules, and apply them in a fair and consistent manner.
- Communicate academic and behavioral expectations to students and/or parents.
- Communicate regularly with students, parents and other teachers concerning student achievement and social and emotional growth.
- Communicate classroom rules and expectations as it relates to use of technology including artificial intelligence (AI) platforms.
- Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a teacher's attention.
- Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

Teacher Assistants and Aides

- Maintain a climate of mutual respect and dignity.
- Underscore the importance of students' social and emotional well-being within the classroom environment and promptly address any concerns.
- Know school policies and rules, and apply them in a fair and consistent manner.
- Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a teacher's attention.
- Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

School Staff

- Maintain a climate of mutual respect and dignity.
- Know school policies and rules, and apply them in a fair and consistent manner.
- Maintain confidentiality about all personal information and educational records concerning students and their families
- Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a staff member's attention.
- Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

School Counselors

- Meet with students to review their educational progress and plans.

- Provide information to assist students in attaining their academic and career planning goals.
- Encourage students to engage with the curriculum and extracurricular programs.

School Psychologists

- Assist students in managing social emotional issues regarding personal, family, academic, and social pressures.
- Initiate conferences between the students, school counselors, teachers and/or parents/guardians as appropriate.
- Review students' educational progress and plans in partnership with the school counselors.

Principals and Assistant Principals

- Promote a safe, orderly, positive and stimulating school environment, supporting active teaching and learning.
- Communicate regularly with students, staff and parents.
- Evaluate all instructional programs on a regular basis.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for applying the Code of Conduct and ensuring that all matters are resolved promptly and fairly.

District Administrators

- Promote a safe, orderly, positive and stimulating school environment, supporting active teaching and learning.
- Regularly review with the Superintendent the policies of the Board and state and federal laws relating to school operations and management.

Superintendent

- Promote a safe, orderly, positive and stimulating school environment, supporting active teaching and learning.
- Regularly review with district administrators the policies of the Board and state and federal laws relating to school operations and management.
- Inform the Board about educational trends relating to student discipline.
- Work to create instructional programs that minimize issues of misconduct and are sensitive to student and teacher needs.
- Work with administrators in applying this Code of Conduct and ensuring that all matters are resolved promptly and fairly.

Board of Education

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school staff to develop a code of conduct that clearly defines expectations for the conduct of students, district staff and visitors on school property and at school functions.

- Adopt and review at least annually the district's Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

5. PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district staff and other members of the school community, and for the care of school facilities and equipment. The conduct prohibitions set out below apply to conduct on school property, at a school function, or engaging in any off-campus activity that targets school operations, staff, or students.

- Off-campus conduct may be subject to school discipline should the district determine in its discretion that such conduct creates a hostile environment for a student at school, or materially and substantially disrupts the educational process or the orderly operation of any school building.

In accordance with the Family Educational Rights and Privacy Act (FERPA), the district is precluded from sharing specific disciplinary infractions and penalties, which could lead to the identification of a particular student, with community members without receiving written authorization from the parent(s)/guardian(s) of the student.

Students may be subject to disciplinary action, up to and including suspension from school, when they engage in any form of the following:

Disorderly conduct

- Engaging in any willful act that disrupts the normal operation of the school community.
- Fighting or threatening behavior towards any person.
- Gambling, violating Regents Rule 19.6 and Article 9-A of the General Municipal Law by engaging in any prohibited games of chance or raffles on school grounds. This includes engaging in online sports betting.
- Discharging a fire extinguisher where there is no threat of fire, falsely setting off a fire alarm, or otherwise communicating a false threat concerning injury or damage to another person or property.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the designated authority in the school office.
- Making unreasonable noise.
- Using abusive or obscene language or gestures.
- Disturbing any lawful assembly or meeting of persons.
- Obstructing vehicular or pedestrian traffic.
- Creating a hazardous condition by any act that serves no legitimate purpose.
- Defacing school property.
- Running in the hallways.

- Computer/electronic communications misuse, including any unauthorized use of personal or school-owned electronic equipment and computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's Acceptable Use Policy.
- Violating traffic regulations on school property.
- Unauthorized use of school district property or facilities for personal purposes.

Academic misconduct

- Plagiarism.
- Cheating, including but not limited to representing someone else's work as one's own; using unauthorized oral or written assistance for a quiz, test or other assignment; illegally obtaining tests in advance; substituting for a test-taker; knowingly providing another student with the opportunity to cheat, and other forms of unauthorized collusion.
- Misusing computer/electronic communications in violation of the district's Acceptable Use Policy and or in violation of expectations set by a teacher regarding the uses of AI or other technology platforms.
- Altering school records.
- Assisting another student in any of the above actions.

Conduct that is insubordinate or disruptive

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Lateness to, missing or leaving school without permission.
- Skipping detention.
- Lying to school staff.

Conduct that is violent

- Committing or attempting to commit an act of violence upon another person while on school property or at a school function.
- Displaying what appears to be a weapon while on school property or at a school function.
- Making a threat to use any weapon on school property or at a school function. .
- Engaging in hate speech, disseminating hate symbols and images, and/or actively micro-aggressing students or staff.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property or at a school function, including graffiti or arson.
- Intentionally damaging or destroying school district property.

Conduct that endangers the safety, morals, health or welfare of self and/or others

- Bullying, as defined above.
- Lying or committing forgery.

- 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.
- Discrimination, as defined above.
- Intimidation or harassment, as defined above.
- Acts of sexual harassment, including unwanted and inappropriate verbal, written or physical conduct of a sexual nature directed toward others. Further definitions of sexual harassment are available in section 14 of this Code as well as in the district's sexual harassment policy.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any activity, organization, club, or team.
- Selling, using, or possessing obscene material.
- Using vulgar or abusive language, cursing, or swearing.
- Indecent exposure; that is, exposure to sight of the private parts of one's own or another's body in a lewd or indecent manner.
- Stealing or participating in the theft of money or material from others on school property or attending a school function, including the knowledgeable receipt of stolen goods.
- Possessing, consuming, selling, distributing, and/or exchanging or using a vape device or e-cigarette, cigarette, cigar, pipe, chewing or smokeless tobacco or other inappropriate substances that are illegal to minors. Possessing, consuming, selling, distributing, exchanging and/or being under the influence of alcoholic beverages and/or illegal substances, or possession of drug paraphernalia. Illegal substances include but are not limited to inhalants, cannabis (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, synthetic cannabinoids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- Inappropriately using or sharing prescription and over-the-counter drugs or possessing prescription drugs without prior notification to the school nurse.
- Vandalizing, willfully damaging or destroying or attempting to cause damage to school or personal property, or willfully removing or using public or private property without authorization.
- Misbehaving on school buses and vans by physically harming other students or drivers, damaging property, refusing to obey the driver, or causing persistent disruption.
- Selling, using or possessing weapons as defined above, fireworks or other dangerous instruments or contraband capable of inflicting physical injury, or causing damage to property. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- Extorting money, goods, or favors from any member of the school community.
- Engaging in reckless driving or driving at an unsafe speed on school property.
- Inciting or conspiring with another person to commit or attempt any of the acts enumerated above.

6. STUDENT DRESS CODE

Students have the right to follow personal standards of dress and grooming. A student's constitutional right to freedom of expression will not extend to libelous, slanderous, vulgar, lewd, indecent, obscene or hateful words, symbols or images which by their very use cause harm, hurt, anxiety, isolation and/or incite others to commit acts of violence as defined above.

Teachers and all other district staff should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting:

- Comply with any mandated protocols in accordance with State and Federal guidelines.
- Ensure that underwear is completely covered with outer clothing.
- Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

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.

7. REPORTING VIOLATIONS

District Staff

- All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner.
- District staff who are not authorized to impose disciplinary sanctions are expected to immediately report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.
- All district staff must report any bullying, harassment and/or discrimination to the designated Dignity Act Coordinator of the building.

Students

- Any student with knowledge of a violation on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, the Superintendent or any other staff member.
- Students who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students or staff who observe bullying, harassing and/or discriminating behavior are encouraged to submit a verbal and/or written complaint to a district staff member.

Notification of Law Enforcement

- The district will adhere to NYSED guidance and notify local law enforcement for all reportable incidents:
 - <https://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/SSECQandA.html>

- The building principal or Superintendent must notify the appropriate local law enforcement agency as soon as practicable, but in no event later than the close of business the day the principal or a designee learns of the violation.
- The notification must identify the student (if known) and explain the conduct that violated the Code, constituted a crime or substantially affected the order or security of a school.
- Incidents that occur on school property or during a school function are reportable in all circumstances, whether the offender is known or unknown.
- Incident reporting forms and investigation materials should be retained at the school/district in which the incident occurred until the youngest person involved reaches the age of 27.

8. DISCIPLINARY ACTIONS, REMEDIAL CONSEQUENCES, AND PROCEDURES

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

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

- The student's age and maturity.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.
- As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

Disciplinary procedures for students with disabilities are subsequently addressed in Section 11.

Disciplinary Actions

The Board believes that disciplinary measures should be enacted in a progressive manner; thus a student's first violation will usually merit a lighter penalty or action than subsequent violations. However, depending upon the nature of the violation, students who are found to have violated this Code of Conduct may be subject to the following disciplinary actions/penalties, either alone or in combination.

The school staff identified after each penalty listed below are authorized to impose that penalty, consistent with the student's right to due process.

- Warning — any member of the district staff.
- Written notification to parent — teachers, assistant principals, principals.

- Teacher conference - teachers, assistant principals, principals.
- Detention — teachers, assistant principals, principals.
- Suspension from transportation — athletic director, assistant principals, principals.
- Suspension of parking privileges – assistant principals, principal.
- Suspension from athletic participation (grades 7-12) — athletic director, assistant principals, principal. In addition, coaches have authority to enforce team rules.
- Suspension from social or extracurricular activities — activity director in consultation with assistant principals, principals.
- Suspension of other privileges - assistant principals, principals.
- Removal from classroom — teachers, assistant principals, principals.
- In-school suspension — assistant principals, principals, Superintendent.
- Short-term (five school days or less) suspension from school — principals, Superintendent, Board.
- Long-term (more than five school days) suspension from school —Superintendent, Board.
- Permanent suspension from school — Superintendent, Board.

Remedial Consequences for Bullying, Harassment and/or Discrimination

The district supports the development of measured, balanced and age-appropriate responses to bullying, harassment and/or discrimination by students, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation. Remedial responses to bullying, harassment and discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act, while minimizing disruption. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration
- Peer support groups
- Corrective instruction or other relevant learning or service experience
- Changes in class schedule
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student counseling
- Parent conferences

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Parent education seminars/workshops
- Peer support groups

If appropriate, disciplinary action will be implemented in accordance with the provisions of this Code. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Staff is expected, when aware of bullying, harassment and/or discrimination, to refer the student to designated resources for assistance and/or intervene in accordance with the provisions of this Code.

Procedures

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

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

Specific Actions or Penalties

Detention:

Teachers, principals and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Suspension from Transportation:

If a student does not conduct themselves properly on a bus, the bus driver (or teacher/chaperone, as appropriate) is expected to bring such misconduct to the attention of the applicable building principal or assistant principal or the athletic director, as appropriate. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, after investigating the facts of the alleged misconduct, the building principal, assistant principal or athletic director may, following a reasonable opportunity for an informal conference with the student and their parent about the misconduct and the penalty, suspend the student's riding privileges. In such cases, the student's parent will bear the responsibility for transporting their child to and from school related activities.

Suspension From Athletic Participation, Extra-curricular Activities and Other Privileges:

A student subjected to suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law 3214. However, the student and student's parent(s) will be provided with a reasonable opportunity for an

informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

In-school Suspension:

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building 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".

"In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension, where students will receive substantially equivalent, alternative education, provided by appropriately certified staff.

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

Disciplinary Removal of Disruptive Student By a Teacher:

On occasion, a student's behavior may become disruptive, as previously defined ("disruptive student").

Classroom management techniques such as (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling do not constitute disciplinary removals for purposes of this Code of Conduct.

For behavior warranting a more extensive removal than those described within the classroom management techniques described above, the following procedures must be followed:

- A classroom teacher may remove a disruptive student from class for the remainder of the class and up to two (2) additional 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 being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.
 - If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

- The teacher must complete a disciplinary removal form and meet with the principal or a designated administrator 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 is not available by the end of the same school day, the teacher must leave the form with the principal's secretary and meet with the principal or a designee prior to the beginning of classes on the next school day.
- Within one school day after the student's removal, the principal or their designee 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 the right, upon request, to meet informally with the teacher and principal or a designee to discuss the reasons for the removal. The teacher who ordered the removal will attend the informal conference.
- 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 one school day of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- If at the informal meeting, which must be held within two school days of the student's removal, the student denies the charges, the teacher and/or the principal or their 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 timing of the informal meeting may be extended by mutual agreement of the parent(s) and principal.
- The principal or a designee may overturn the removal of the student from class if the principal finds any one of the following:
 - a. The charges against the student are not supported by substantial evidence.
 - b. The student's removal is otherwise in violation of law.
 - c. The conduct warrants suspension from school pursuant to Education Law 3214 and a suspension will be imposed.
- The principal or a designee may overturn a removal at any point between receiving the disciplinary removal form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.
- Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a log for all cases of removal of students from their class. The principal must keep a log of all removals of students from class.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and supervision under the direction of the principal or a designee until he or she is permitted to return to the classroom.

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

Suspension From School:

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

Any student who has received an out of school suspension must be reintroduced to the school community through a re-entry plan that should be submitted by the removing teacher, and which must be approved by the building principal in consultation with the school psychologist and law enforcement when applicable.

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 building 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 this Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.
- The Superintendent or principal, upon receiving a recommendation or referral for suspension, or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, in a subsequent disciplinary hearing, if for example a long term suspension is warranted, if necessary.

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

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

request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of the complaining witness(es) under procedures that have been established by the principal. Parents should be aware that, depending on the circumstances, the principal or a designee may be the complaining witness.

- The notice and opportunity for an informal conference shall take place before the student is suspended **unless** the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If, in the discretion of the district, the student's presence does pose such a danger or threat of disruption, the suspension may begin immediately. Then, the notice and opportunity for an informal conference shall take place as soon after the start of the suspension as is reasonably practicable.

After the informal conference, the principal will promptly advise the parents in writing of the decision. The principal will 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 ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. Parents should understand that the Superintendent will review the record regarding the matter, but will not meet with the parent, the student and/or advocates/attorneys regarding the appeal. The record is defined as those documents and/or information used by the principal or a designee in the determination to suspend the student; i.e. no additional documentation and/or information will be considered on appeal. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal.

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

When the Superintendent or building principal determines that a suspension for more than five (5) school days may be warranted, they shall give reasonable notice to the student and the student's parent(s) of their right to a fair hearing pursuant to Education Law Section 3214. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

- The Superintendent shall personally hear and determine the proceeding, or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained. An audio recording shall be deemed a satisfactory record.
- The hearing officer shall make an advisory report to the Superintendent that sets forth findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. Upon conclusion of the hearing, the Superintendent shall provide the parent(s)/guardian(s) with a written decision.

Appeal of Superintendent's Decisions:

If the student and/or parent(s)/guardian(s) disagree(s) with the decision of the Superintendent, they have the right to appeal the decision to the Board of Education. A written appeal must be filed with the Board of Education through the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.

Such appeal must be in writing, include the reason(s) why they believe the appeal should be granted, and addressed to:

President, Board of Education c/o District Clerk
Edgemont Union Free School District
200 White Oak Lane
Scarsdale, New York 10583

The Board will make its decision based solely upon the record before it, which is to include:

- The transcript (recording) of the Superintendent's Hearing;
- The report and recommendations of the Superintendent or designated hearing officer and all exhibits submitted at the hearing;
- The written request for appeal.

The Board may adopt, in whole or in part, the decision of the Superintendent. If the student and/or parent(s)/guardian(s) disagree with the final written decision of the Board of Education, an appeal can be made to the Commissioner of Education. Such appeal must be in writing and submitted within thirty (30) calendar days of receipt of the Board of Education's decision by writing to the Commissioner of Education.

Permanent suspension:

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

Minimum Periods of Suspension for Non-Classified Students

The periods of suspension described below are minimum penalties for specific misconduct. As appropriate, longer periods of suspension may be imposed for such misconduct.

Students who bring a weapon to school:

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

- The student's grade in school
- The student's prior disciplinary record
- Whether other forms of discipline may be more effective
- Input from parents, teachers and/or others
- Other extenuating circumstances

Students who commit violent acts other than bringing a weapon to school:

- Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days.
- If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent(s) will be given the same notice and opportunity for a hearing given to all students subject to a long term suspension.
- The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students who are repeatedly substantially disruptive of the education process or 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 (as defined above) of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days.
- The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

9. REFERRALS

Petitions

- The District may file a PINS petition (person in need of supervision) in Family Court for any student under the age of 18 who demonstrates a need supervision and treatment by:
 - Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
 - Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
 - Knowingly and unlawfully possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

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:
 - Any student under the age of 16 who is found to have brought a weapon to school, or
 - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).
 - The Superintendent is required to refer students aged 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20(42) to the appropriate law enforcement authorities.

10. ALTERNATIVE INSTRUCTION

When a student of compulsory attendance age is removed from class or suspended from school pursuant to Education Law § 3214, the district will take immediate steps to provide alternative means of instruction for the student in accordance with Education Law § 3214. However, once a student is no longer of compulsory age, it shall be in the district's discretion whether to provide such alternative education to the student.

11. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. 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.

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

Authorized Suspensions or Removals

Definition of terms:

- "Suspension" means a suspension pursuant to Education Law §§ 3214(3)(a) and (d).
- "Removal" refers to the removal of a student with a disability for disciplinary reasons from the student's current educational placement, other than a suspension, and the change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student's behavior is substantially likely to result in injury to the student or others or because the behavior involves weapons, illegal drugs or controlled substances.

- An "IAES" is a temporary educational placement for a period of up to 45 days, that results when the student's behavior causes his or her removal from a regular placement. This temporary placement enables the student to continue to progress in the general curriculum, receive services and modifications as indicated on the student's current individualized education program (IEP), and receive additional services and modifications that are designed to prevent the behavior which precipitated the IAES placement from recurring.

Procedures

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

- The Board, the Superintendent or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- 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 a violation of this Code of Conduct that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- 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 days, if the student carries or possesses a weapon to or at school, a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
- Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

Change of Placement

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

- For more than 10 consecutive school days; or
- 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.

School staff may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement, unless (i) the Committee on Special Education has determined that the behavior was not a manifestation of the student's disability, or (ii) the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

Special Rules Regarding the Suspension or Removal of Students with Disabilities

These Special Rules relate to the handling of discipline for students who are disabled or who are perceived as having a disability. The District's Committee on Special Education has the obligation to conduct functional behavioral assessments and to arrange for the preparation of behavioral intervention plans for individual students at times other than when they are the subject of discipline and nothing in this Code impacts upon that distinct obligation.

- The District's Committee on Special Education shall:
 - Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district first suspends or removes a student with a disability for more than 10 school days in a school year or imposes a suspension or removal that constitutes a disciplinary-based change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
 - Review the intervention plan and its implementation to determine if modifications are needed if such a student incurs a suspension or removal that does not constitute a disciplinary change of placement.
 - Convene a meeting of the CSE to modify the plan and its implementation to the extent the committee deems necessary, if one or more members believe modification is necessary.
 - Gauge the effectiveness of any plan or modification to ensure that behavioral needs are being effectively met.
 - Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever (i) a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others or (ii) before a decision is made to impose a suspension that constitutes a disciplinary change in placement.
 - Where a student with a disability's conduct is found not to be a manifestation of their disability, they may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and/or to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education

curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

- The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for special education services under federal and state law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - The Superintendent, in consultation with the Director of Pupil Personnel Services, shall be responsible for determining whether the student is a student presumed to have a disability.
 - The student shall not be considered to have a disability if, on receipt of a claim that the district had notice of a possible disability, either the the district had determined that the student did not have a disability as a result of an individual evaluation, or the district had concluded that an evaluation was unnecessary and notified the parents in the manner required by law and regulations. If a request for individual evaluation is made while a non-disabled student is removed, an expedited evaluation shall be held, consistent with applicable law and regulations. Until this evaluation is completed, the student shall remain in the educational placement determined by the district, including suspension.
- 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 may include suspension
- The district shall provide parents with notice of disciplinary removal no later than the date on which (a) a decision is made to change the placement of a student with a disability to an IAES for either (i) misconduct involving weapons, illegal drugs or controlled substances or (ii) because maintaining the student in their current educational setting poses a risk of harm to the student or others; or (b) a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.
- The parents of a student subject to suspension for five or fewer days shall have the same right to hearing as parents of non-disabled students. The student shall be afforded the same due process as non-disabled students, except that officials may

not impose a removal for more than ten consecutive days or a period that would constitute a disciplinary change in placement unless the CSE has determined the misbehavior is not a manifestation of the disability

- 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.

Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations if:

- The district determines that the current placement of a student with disabilities endangers their or others' well being and requests an expedition while due process hearings are pending, or to obtain an impartial hearing officer's order to place the student in an IAES.
- The parent requests one to challenge the district's finding that misbehavior was not the result of a disability or for reviewing any decision about placement, including but not limited to a decision to place the student in an IAES.

A student shall stay in an IAES until a hearing officer's decision or expiration of the IAES placement, whichever comes first, if:

- An expedited hearing or appeal is pending on a placement for behavior involving weapons, illegal drugs or controlled substances, for dangerousness;
- If there is a challenge to a determination that the behavior is not a manifestation of disability. This provision may be waived by mutual agreement between parents and district.

If a student has been moved to an IAES, the placement expires, and officials' proposal to renew the placement is challenged, the student shall return to the placement he or she had before being moved to the IAES.

An expedited hearing shall be completed within 15 days of the date the request for a hearing is received. The impartial hearing officer may grant specific extensions of this period, but must mail a written decision to the district and parents within five business days after the last hearing date. In no case shall a decision be mailed later than 45 days after the date of request for a hearing.

Referral to Law Enforcement and Judicial Authorities

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

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

12. CORPORAL PUNISHMENT

The Rules of the Board of Regents prohibit any teacher, administrator, officer, employee or agent of the district from the use of corporal punishment and/or verbal abuse against a student. Corporal punishment is any act of physical force upon a student for the purpose of punishing that student.

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 protect oneself, another student, teacher or any persons from physical injury.

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

- District staff receiving any such complaint shall file a written report with the Superintendent or their designee within three school days of the reported incident.
- The district shall conduct and encourage appropriate staff members to attend seminars and workshops to update their knowledge of disciplinary rules and to discuss in detail the scope, application and elements of the offenses of such disciplinary rules. These seminars/workshops will be implemented in the regular monthly principal's meetings or at other appropriate occasions, as necessary.
- The district shall direct its administrators, teachers and other appropriate staff members to explain in any records, correspondence or other disciplinary documents, the specific behavior that constitutes a violation of the disciplinary rules and results in discipline against any student.

13. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

Prohibited Conduct

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

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school district property or the personal property of any person on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.

- Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass or discriminate against any person.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this Code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell or distribute alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.
- Possess, display, threaten to use or use any weapon, except in the case of law enforcement officers or as specifically authorized by the school district.
- Loiter on or about school property.
- Gamble.
- Refuse to comply with any reasonable order by school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Violate any federal or state statute, local ordinance or Board policy.
- Smoke or use tobacco or vaping products.
- Litter.
- Operate any motorized vehicle off designated roadways unless authorized by school staff.
- Violate any other posted rules and regulations.

Penalties

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

Visitors

- Their authorization to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection or removal by law enforcement officers.

Students

- They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

Tenured faculty members

- They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

Staff members

- Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.

- Staff members other than those described in subdivisions above shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights that they may have.

Enforcement

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

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

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

14. SEXUAL HARASSMENT

The district is committed to a collegial environment in which all individuals are treated with respect and dignity. Each individual has the right to work and study in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Therefore, the district expects that all relationships among persons in the district, including but not limited to employees, students, volunteers, and vendors, will be free of bias, prejudice, and harassment.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include, but are not limited to:

- Unwanted sexual advances
- Subtle or overt pressure for sexual favors

- Sexual jokes
- Innuendos
- Advances or propositions
- Verbal abuse of a sexual nature
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Leering, whistling, touching, pinching, assault, coerced sex acts or suggestive, insulting, or obscene comments or gestures
- Display on school property of sexually suggestive objects or pictures
- Wearing sexually suggestive garments
- Other physical, verbal, or visual conduct of a sexual nature.

The district encourages individuals who believe they are being harassed to promptly notify the offender that their behavior is unwelcome (recommended but not required). Students should discuss their concerns with any trusted member of the staff such as a teacher, nurse, principal, or counselor. It should be recognized that the member of the staff must report the incident to the designated Title IX Officer.

- The allegation will be investigated promptly by the designated Title IX Officer and may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or have relevant information.
- Complaints will be kept confidential to the extent practicable and appropriate. Retaliation against an individual for reporting sexual harassment or in assisting in providing relevant information is a serious violation of this policy and will be treated with strict discipline.
- Responsive action to sexual harassment may include: training, referral to counseling, and/or a range of disciplinary action including school suspension or termination of an employee.
- If a party does not agree with the resolution of a complaint, that party may file a written complaint with the Superintendent. If the party does not agree with the Superintendent's resolution of the matter, the party may refer the matter to the President of the Board of Education for consideration by the entire Board of Education.
- A complainant has the legal right to file a complaint with the U.S. Equal Employment Opportunity Commission, the Office of Civil Rights of the Department of Education, and other agencies that enforce laws concerning discrimination.

15. SMOKING AND TOBACCO

The district is a tobacco-free campus. Pursuant to federal and New York State law, smoking and/or use of tobacco is forbidden and no person, including visitors, shall smoke and/or use tobacco on school grounds (i.e., any school facility, building, structure, and surrounding outside grounds within the school's property), at school sponsored activities and field trips, or on school buses or other vehicles transporting children. This rule includes possession or use of vaping devices and e-cigarettes.

16. PROCEDURES FOR SEARCHES AND INTERROGATIONS

Any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct. School officials questioning students shall advise such students why they are being questioned.

Parents and students should be aware that school officials are under no obligation to contact a student's parent/guardian prior to questioning the student, nor are students entitled to be advised of their legal rights, i.e. "Miranda" warning, prior to any questioning by a school official, as such rights only apply to situations where an individual is being questioned while in the custody of the police.

An authorized school official may conduct a search of a student and/or their belongings so long as the school official has a legitimate reason for the search. Before searching a student or the student's belongings, the authorized school official should attempt to obtain the student's admission to that possessing physical evidence that they violated the law or the Code of Conduct, or obtain the student's voluntary consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices, with both the student and a witness present.

Student Lockers, Desks and other School Storage Places

Student lockers, desks and other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent.

Documentation of Searches

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

- Name, age and grade of student searched.
- Reasons for the search.
- Name of any informant(s).
- Purpose of search (that is, what item(s) were being sought).
- Type and scope of search.
- Person conducting search and his or her title and position.
- Witnesses, if any, to the search.
- Time and location of search.
- Results of search (that is, what items(s) were found).
- Disposition of items found.
- Time, manner and results of parental notification.

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

17. PROCEDURES FOR POLICE AND CHILD PROTECTIVE SERVICES INVOLVEMENT IN INVESTIGATIONS

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:

- A search or an arrest warrant; or
- Probable cause to believe a crime has been committed on school property or at a school function; or
- An invitation from school officials.

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

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

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

Child Protective Services (CPS) Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused, maltreated or 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, and/or neglect, or custody investigations.

The principal or a designee may consent to allow such an interview on the school premises. All requests by Child Protective Services to interview a student on school property shall be made directly to the principal or a designee. The principal or a designee shall set the time and place of the interview. The principal or a 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 clothing in order for the child protective services 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 any clothing in front of a Child Protective Services worker or school district official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if 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.

18. VISITOR ENFORCEMENT PROCEDURES

The Board welcomes parents, community members, and other visitors to the district's schools. In an effort to limit disruptions to learning, such visitations shall be at the discretion of the building administration. No visitor will be allowed in the district's schools without the permission of the building principal or a designee. In addition, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors must obtain permission from the building principal or a designee prior to visiting the district's schools.
- All visitors to the school must report to a security desk upon arrival at the school and show proper identification. They will be required to sign the visitor's register and will be issued a visitor's pass, which must be worn at all times while in the school or on school grounds.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register with the main office.
- Any unauthorized person on school property will be reported to the principal or a designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

19. MISUSE OF ELECTRONIC MEDIA

Students in the district are able to receive vast amounts of information via text, photographs and sound through our computer networks and the internet. Students are required to follow the Acceptable Use Policy in effect in the district. Not all materials found on the internet are appropriate for students and the district will make attempts to prevent such material from being accessed on district computers. If you have a question or concern regarding such material, please contact the Director of Technology.

- Consequences for inappropriate use can range from the suspension of the use of the internet and/or network, and/or computers within the school district, to a

Superintendent's hearing. Police will be notified if an electronic media crime has taken place.

- The Board encourages parent(s) to set appropriate guidelines for the use of such technology within the home.

Photography

Taking photographs on school grounds, during school hours, using a video camera, digital camera, cell phone, or any other photographic device, without the consent of those individual(s) being videotaped/photographed or without an otherwise valid school purpose, is prohibited. Prior to taking video/photographs for any other reason, using any of the above methods, consent shall be obtained from the principal or a designee.

20. USE OF ELECTRONIC DEVICES AND CELL PHONES

The use of these items by students will be subject to the discretion of the principal or a designee.

21. DISSEMINATION OF CODE OF CONDUCT

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

- Posting the complete Code of Conduct on the district website, including any annual updates and other amendments to the Code;
- Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, and reviewing the Code of Conduct at a school assembly to be held at the beginning of each school year;
- Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.