

# EAST RAMAPO CENTRAL SCHOOL DISTRICT

*2023-24 Proposed Revisions are in Blue and speak to recommendation #5 “It is recommended that COC include language around cultural learning, cultural humility, along with restorative practices, and that the District provide training for staff around these topics.”*

## **5300 Code of Conduct**

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## ACKNOWLEDGMENT

This Code of Conduct (“Code”) is the product of a collaborative effort by students, parents, teachers, District staff, and community members seeking to make classrooms and schools in the East Ramapo City School District safe, supportive, restorative, antiracist, and joyful environments for teaching and learning.

This Code is intended to be a living document. We have begun with an initial goal of being a restorative learning community. To this end, we are endeavoring to minimize the exclusion of students through classroom removal and suspensions. Various factors contribute to a student's success and well-being. Some of the most important factors are the engagement of student voice and parents in decision-making. We are committed to engaging families as partners in the education and support of all students in the district. As a supportive learning community, we stand committed to ensuring district personnel and school-level staff have the support and resources they need to implement the Code. The focus of all of our collaborative efforts, including this Code and beyond, is to uplift our core values of

- Trust and open communication,
- Confidence,
- Collaborative communications,
- Mutual respect and ethical behavior,
- Diversity, equity, and inclusiveness,
- Excellence.

Implementing this Code will be an ongoing, iterative, and inclusive learning process. As we endeavor to make the aspirations within it a normative reality, we will remain cognizant of and advocate for the needed support. We will make changes and develop sections that need further work based on our learning, and we will assess our progress in order to achieve the goals of keeping students safe, in school, and flourishing.

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## **I. Introduction**

The East Ramapo Central School District Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

The East Ramapo Central School District (“District”) has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this Code applies to all students, School District personnel, parents and other visitors when on school property or attending a school function.

## **II. Definitions**

For purposes of this Code, the following definitions apply:

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

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

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

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

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

1. Commits or threatens an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school District property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

#### **A. Student Rights**

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their\* version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

Each District student has the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control his/her anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. 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 conduct, demeanor, and sportsmanship.

## **IV. Essential Partners**

All essential partners will work to maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn. Essential partners have an obligation to read and understand the school's Code of Conduct. Faculty and staff are required to apply and enforce the Code of Conduct in a fair and consistent manner.

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are legitimate.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Assist the school in upholding the Code of Conduct expectations (e.g. not phoning or texting their child during school hours.)

### **B. Teachers**

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies, Code of Conduct, and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Model behavior expected from students under the Code of Conduct (e.g., dress and electronics policies).



### **C. Guidance Counselors**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

### **D. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

### **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

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

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

## V. Student Dress Code

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, tops over leggings, spaghetti straps, tank tops, muscle shirts, plunging necklines (front and/or back), short shorts, short skirts, and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing – no sagging pants.
4. Not include wearing pajamas as clothing.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of hats or other headwear in school except for a medical or religious purpose.
7. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, gang-related, or violent activities.
9. Not include the wearing of either prescription or non-prescription sunglasses except for medical or other purposes approved by school officials.
10. Not expose to public view the abdomen, midriff, or exposed skin between the garment and skirt, pants or shorts.
11. Be protected under the provisions of the CROWN Act and the Commissioner's Regulations regarding DASA ((100.2 (jj), (kk)).

Each building principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

## VI. Student Behavioral Expectations

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

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

- A. Engage in conduct that is disorderly.  
Examples of disorderly conduct include, but are not limited to:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language, gestures or actions that are profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act which disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
  
- B. Engage in conduct that is insubordinate.  
Examples of insubordinate conduct include, but are not limited to:
  - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  - 2. Lateness for, cutting classes, missing or leaving the classroom or school without permission.
  - 3. Skipping detention.

- C. Engage in conduct that is disruptive.  
Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
  2. Use of cell phones and all hand-held electronic devices during the instructional day. See Article XIV "Use of Hand-Held Electronic Devices in School" on page 27.
- D. Engage in conduct that is violent.  
Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use, or actual use, of any weapon.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school District property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of self and/or others.  
Examples of such conduct include but are not limited to:
1. Lying to school personnel.
  2. Unauthorized possession of and/ or stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Bullying, which is defined as aggressive behavior that is intentional and involves an imbalance of power or strength, and includes behavior that is threatening, stalking or seeking to coerce or compel a person to do something, intentionally placing or attempting to place another person in fear of imminent physical injury, engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, color, ethnicity, national origin, ethnic group, religion, religious practices, gender, gender identity, gender expression, sexual orientation, sex, age, weight or disability. Bullying includes, but is not limited to, teasing or name-calling (whether through the use of spoken words, or written messages), threatening actions, physical intimidation, physical harm (i.e., hitting, punching, pushing) or intimidation through gestures or social exclusion. **Definition is further explicated in Policy 0115.**

4. Cyber bullying, is bullying that takes place by electronic means (i.e., e-mail, instant message, blogs, chat rooms, social network sites, pagers, cell phones, and gaming systems), that has the effect of, or which would reasonably have the effect of, creating a hostile environment. The acts of cyber bullying include but are not limited to, those acts which deliberately harass, threaten or intimidate others and the sending of mean, vulgar or threatening messages or images, posting sensitive, private information about another person, pretending to be someone else in order to make another person look bad, and/or intentionally excluding someone from an online group. Definition is further explicated in Policy 0115, as occur on or off of school property, but has the effect of creating a hostile school environment that:
  - interferes with a student’s educational performance, opportunities or benefits;
  - jeopardizes a student’s mental, emotional, or physical well-being;
  - causes a student to fear for their physical safety; or
  - leads to physical injury or emotional harm to a student.
5. Sexting, which is the sending, receiving, posting on-line, or forwarding sexually suggestive nude or nearly nude photos of self and/or of others through text message or e-mail, and shall include sexually suggestive language.
6. Any form of Off Campus bullying, cyber-bullying or sexting that may or may reasonably endanger the health or safety of pupils within the educational process or adversely affect the educative process.
7. Inappropriate Language, spoken, written or sent via electronic means. Inappropriate Language includes, but is not be limited to, the use of obscene, profane, lewd, vulgar, rude, inflammatory, threatening, abusive or disrespectful language, personal attacks, including prejudicial or discriminatory attacks, false or defamatory information based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
8. Privacy violations: A person shall not repost messages that were sent to them by another party without the permission of the person who sent them the original message, nor post or distribute private information about another person.
9. Sexual Harassment: Unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, including, but not limited to touching, sexual comments, jokes or gestures, writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials, calling students sexually charged names, spreading sexual rumors, rating students on sexual activity or performance, circulating, showing or creating e –mails, texts, web sites or any other electronic means of messaging, of a sexual nature.
10. Gender and Transgender Based Harassment, which includes, but is not limited to, acts of verbal, nonverbal, physical aggressive behavior, intimidation or hostility based on gender, gender identity or sex-stereotyping.
11. Disability Harassment, inflicting harassing conduct based on a student’s disability, which includes, but is not limited to harassing a fellow student with a disability by calling or writing messages, e-mail, texts and other forms of communication calling the disabled student “stupid,” “idiot”, “retard”, or any other names that is derogatory to the students.
12. Weight Harassment which includes, but is not limited to, acts of verbal, nonverbal, physical aggressive behavior, intimidation or hostility based on a person’s actual or perceived weight.

13. Race, Color, National origin and religious harassment, is harassing conduct based on a student's race, color, national origin and/or religious beliefs.
14. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
15. Selling, using or possessing obscene material.

16. Using vulgar or abusive language, cursing or swearing.
17. Possession of and/or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco or electronic cigarettes.
18. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, synthetic cannabinoids or illegal substances, drug related materials (e.g., rolling papers, bongs, etc.), or being under the influence of same. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".
19. Inappropriately possessing, using, or sharing prescription and over-the-counter drugs. Over-the-counter drugs are not permitted on school District property unless authorized in writing by a physician.
20. Gambling.
21. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
22. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
23. Inappropriate use of the Internet (see Internet policies).
24. Possession and/or use of lighters, incendiary devices, flammable materials, fireworks and explosives.

F. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct.

Examples of academic misconduct include but are not limited to:

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

## **VII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

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 promptly 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.

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

The building principal or designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by a letter on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **VIII. Consequences, Procedures and Referrals**

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

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

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability. See definitions in Appendix E.



## **A. Responses and Consequences**

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to determine that consequence, and the building principal will follow District procedures to impose that consequence, consistent with the student's right to due process.

1. Oral warning – any member of the District staff
2. Written warning – bus drivers, hall and lunch monitors, security aides, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – principal, superintendent
6. Suspension from athletic participation – coaches, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom – teachers, principal
11. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
12. Long-term (more than five days) suspension from school – superintendent, Board of Education
13. Permanent suspension from school – superintendent, Board of Education
14. Referral to community support systems
15. Behavior contract
16. Apology
17. Counseling
18. Mentoring
19. Mediation

## **B. Procedures**

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

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

**1. Detention**

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

**2. Suspension from transportation**

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

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

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

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

**4. In-school suspension**

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

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

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

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

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

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

If the disruptive student does not pose a danger or on-going 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 District-established disciplinary removal form and meet with the principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice

within 24 hours of the student's removal at the last known address for the parents. Notice should also be provided by telephone by the teacher.

The teacher who ordered the removal must attend the informal conference. If after a conference, it is determined that the student was inappropriately removed from class, the teacher will be responsible to make up the missed work with the student as soon as possible.

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

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The removing teacher must provide all materials and assignments.

Each teacher must keep a complete "TEACHER REMOVAL OF STUDENT FROM CLASS FORM" for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

## **6. Suspension from school**

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

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

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

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charges with misconduct for five days or less pursuant to the 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 complaining witnesses under such procedures as the principal may established.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

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

**c. Permanent suspension**

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

## **C. Minimum Periods of Suspension**

### **1. Students who bring a weapon to school**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be 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 consequence, the superintendent may consider the following:

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

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

### **2. Students who commit violent acts other than bringing a weapon to school**

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this Code on four or more

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

## **D. Referrals**

### **1. Counseling**

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

### **2. PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.

### **3. Juvenile Delinquents and Juvenile Offenders**

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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



## **IX. Alternative Instruction**

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

## **X. 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 enjoy 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.

*{Please refer to the regulations of the New York State Commissioner of Education, Part 201-Procedural Safeguards for Students with Disabilities Subject to Discipline*

*<http://www.vesid.nysed.gov/specialed/publications/lawsandregs/part201.htm>}*

### **A. Authorized Suspensions or Removals of Students with Disabilities**

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

A “suspension” means a suspension pursuant to Education Law §3214.

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

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, superintendent or 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.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order 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 school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - (1) The term "dangerous weapon" under 18 U.S.C. §930(g) (2) includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except... [for] a pocket knife with a blade of less than 2 ½ inches in length."
    - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. 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.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

## **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

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

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

If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made 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 a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
    - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a consequence phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
    - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

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

## **XI. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be used, reasonable physical force to restrain an individual(s) from harming self or others may be used to:

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

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

## **XII. Student Searches and Interrogations**

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

In addition, the board authorizes the superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code, or get the student to voluntarily consent to the search.

Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. School officials will notify the students' parent regarding the circumstances of the completed search.

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

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

## **B. Strip Searches**

A strip search is a search that requires a student to remove his or her clothing, other than an outer coat, jacket and/or footwear. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent, or the school attorney, or the deputy superintendent or the assistant superintendent. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the District Code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

## **C. Documentation of Searches**

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

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

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



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

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

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

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:

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

#### **E. Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. All requests by child protective services to interview a student on school property shall be made directly to building principal or designee. The principal or designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her 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 his or her 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 he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent. (NOTE: See "EMERGENCY REMOVAL WITHOUT COURT ORDER FORM".)

### **XIII. Prohibition of Gangs and Gang Activities**

The East Ramapo Central School District maintains a zero tolerance approach to gangs and gang related activities. A “gang” is defined as any group or association of three or more persons, whether formal or informal, which encourages, solicits, promotes, urges, counsels, furthers, advocates, condones, assists, causes, advises, procures, or abets any illegal or disruptive activity or behavior of any kind, whether on or off school property. Conduct prohibited by this policy includes, but not limited to:

- No student shall wear, display, or distribute any clothing, jewelry, symbols or other items, which may be evidence of membership in any gang.
- No student shall communicate verbally or non-verbally to convey membership in a gang.
- No student shall display identified gang tattoos.
- No student shall tag or deface school or personal property including gang-related symbols or slogans.
- No student shall require payment for protection or otherwise intimidate or threaten any person.
- No student shall incite students to intimidate or act with physical violence upon any other person, since such conduct interferes with the orderly conduct of school activities with discipline in the schools, or with the rights of other students or faculty members.
- No student shall solicit others for gang membership.
- No student shall commit any other illegal act or violation of school district policy.

### **XIV. Use of Hand-Held Electronic Devices in School**

Calculators, or other devices, approved by the principal to be used for academic purposes, can be used during times authorized by the principal or teacher. Electronic communication devices – “smart devices” (e.g., smart phones, PDAs, iPads or other tablet computers, etc.) may only be used in school during the school day under the direct supervision of a teacher as part of an educational activity. Cell phones and hand-held electronic devices, including cords and “earbuds”, must be turned off and out of sight during the instructional day. Activated electronic devices found in an examination, especially a Regents Examination, will automatically disqualify the student from the exam. Hand held electronic devices and cell phones in use or in plain sight during the instructional day will be confiscated until a parent / guardian arrives to pick it up, or at the end of the school year. See Board Policy 5313. The East Ramapo Central School District assumes no responsibility for lost or damaged cell phones or hand-held electronic devices.

## **XV. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to present identification and sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XVI. Public Conduct on School Property**

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

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

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

## A. Expectations

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Create a hostile environment by conduct, with or without physical conduct and/or by verbal threats, intimidation or abuse, of such a severe nature that: 1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or 2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but not be limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-1 or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation act of 1973.

## **B. Consequences**

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

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

## **C. Enforcement**

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

When the building principal or designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or 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 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, with the "Consequences" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **XVII. Dissemination and Review**

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

1. Providing copies of a summary of the Code in an age-appropriate version, written in plain language, at a school assembly held at the beginning of each school year.
2. Providing a plain language summary of the code of conduct to all persons in parental relation to students before the beginning of each school year and making such summary available thereafter upon request.
3. 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 practical following initial adoption or amendment of the Code.
4. Providing all new employees with a complete copy of the current Code of Conduct when they are first hired.
5. Making complete copies available for review by students, parents or person in parental relation to students, other school staff and other community members.
6. Posting the complete copy of the Code of Conduct, respectively, on the Internet web site, if any, of the school or school district, including any annual updates to the Code made pursuant to this section and any other amendments to the Code.

The board will sponsor in-service education programs for District staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management

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

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

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

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

**A. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
Primary and Intermediate Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
<b>1. Students will follow directions the first time they are given.</b>	<ul style="list-style-type: none"> <li>Disrespectful behavior to staff</li> <li>Failure to stop committing infraction</li> <li>Interference with discipline of another student</li> </ul>	Parent conference	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Swearing or use of vulgar language</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension*	
	<ul style="list-style-type: none"> <li>Disrupting an assembly</li> </ul>	Removal & parent notification	Removal, Parent conference & in-school suspension	Removal, Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Bringing "boom boxes" or laser pointers to school</li> <li>Using cell phones, pagers, 2-way communication systems, Walkman, and/or other electronic devices</li> </ul>	Confiscation, parent notification & pick up item	Confiscation, parent notification & pick up item at end of 1 week	Confiscation, parent notification & pick up item at end of month	Confiscation, parent notification & pick up item at end of school year
	<b>2. All students are expected to be in class on time.</b>	<ul style="list-style-type: none"> <li>Unexcused lateness to school</li> <li>Cutting class</li> <li>Leaving the classroom or school grounds during school hours without permission</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension

## A. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)

## Primary and Intermediate Schools

3. Students in the hall during class time must have a pass.	<ul style="list-style-type: none"> <li>Loitering</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>No pass</li> <li>Pass forgery or alteration</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
<b>GUIDELINE</b>	<b>TYPE OF OFFENSE</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>	<b>4<sup>TH</sup> OFFENSE</b>
4. Students will have respect for people and for personal and school property.	<ul style="list-style-type: none"> <li>Keep hands, feet and other objects to yourself</li> <li>No snowball throwing</li> <li>No pushing, shoving, wrestling or other behaviors that might result in someone being injured, or other acts detrimental to public safety</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*
	<ul style="list-style-type: none"> <li>Smoking</li> <li>Theft</li> <li>Vandalism, graffiti, etc.</li> </ul>	Financial restitution/restoration & Parent conference	Financial restitution/restoration, Parent conference & in-school suspension	Financial restitution/restoration, Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*
	<b><i>In addition to the above consequences, any criminal activity may be reported to appropriate law enforcement agency.</i></b>				
5. Students will walk in the halls and avoid yelling and screaming.		Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	



**A. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
Primary and Intermediate Schools**

<b>6. There will be no fighting (assault, battery, reckless endangerment and/or intent to cause bodily harm).</b>		Suspension Hearing*	Supt's Hearing*		
<b>7. There will be no Inappropriate school bus behavior.</b>		Parent notification & warning of possible Supt's Hearing	Parent conference & in-school suspension	Parent conference & bus suspension	Parent conference & Supt's Hearing*
<b>8. Sexual harassment (verbal, non-verbal, physical) Bullying and Cyber-Bullying</b>		Parent conference, out-of-school suspension & Supt's Hearing*			
<b>9. Discrimination on the basis of race, religion, ethnicity, gender, gender identity, national origin or sexual orientation</b>		Parent conference, out-of-school suspension & Supt's Hearing*			
<b>10. Possession of drugs, drug related materials, alcohol, weapons, or dangerous objects in school.</b>		Parent conference, out-of-school suspension & Supt's Hearing*			
	<b><i>In addition to the above consequences, any criminal activity will be reported to appropriate law enforcement agency.</i></b>				

**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
Middle Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
<b>1. Students will follow directions the first time they are given.</b>	<ul style="list-style-type: none"> <li>Disrespectful behavior to staff</li> <li>Failure to stop committing infraction</li> <li>Interference with discipline of another student</li> </ul>	Parent conference	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Swearing or use of vulgar language</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Disrupting an assembly</li> </ul>	Removal & parent notification	Removal, Parent conference & in-school suspension	Removal, Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Bringing "boom boxes" or laser pointers to school</li> <li>Using cell phones, pagers, 2-way communication systems, Walkman, and/or other electronic devices</li> </ul>	Confiscation, parent notification & pick up item	Confiscation, parent notification & pick up item at end of 1 week	Confiscation, parent notification & pick up item at end of month	Confiscation, parent notification & pick up item at end of term
	<b>2. All students are expected to be in class on time.</b>	<ul style="list-style-type: none"> <li>Late to class 3 times</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension

**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)**

**Middle Schools**

	<input type="checkbox"/> Unexcused lateness to school <input type="checkbox"/> Cutting class <input type="checkbox"/> Leaving the classroom or school grounds during school hours without permission	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*
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**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
Middle Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
<b>3. Students in the hall during class time must have a pass.</b>	<input type="checkbox"/> Loitering	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<input type="checkbox"/> No pass <input type="checkbox"/> Pass forgery or alteration	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<input type="checkbox"/> Lack of identification	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
<b>4. Students will have respect for people and for personal and school property.</b>	<input type="checkbox"/> Keep hands, feet and other objects to yourself <input type="checkbox"/> No snowball throwing <input type="checkbox"/> No pushing, shoving, wrestling or other behaviors that might result in someone being injured, or other acts detrimental to public safety	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*

**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)**

**Middle Schools**

	<ul style="list-style-type: none"> <li>• Smoking</li> <li>• Theft</li> <li>• Vandalism, graffiti, etc.</li> </ul>	Financial restitution/ restoration & Parent conference	Financial restitution/ restoration, Parent conference & in-school suspension	Financial restitution/ restoration, Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*
<b><i>In addition to the above consequences, any criminal activity will be reported to appropriate law enforcement agency.</i></b>					
5. Students will walk in the halls and avoid yelling and screaming.		Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	

**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
Middle Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
6. There will be no fighting (assault, battery, reckless endangerment and/or intent to cause bodily harm).		Suspension Hearing*	Supt's Hearing*		
7. There will be no Inappropriate school bus behavior.		Parent notification & warning of possible Supt's Hearing	Parent conference & in-school suspension	Parent conference & bus suspension	Parent conference & Supt's Hearing*
8. Sexual harassment (verbal, non-verbal, physical) Bullying and Cyber-Bullying		Parent conference, out-of-school suspension & Supt's Hearing*			
9. Discrimination on the basis of race, religion, ethnicity, gender, gender identity national origin or sexual orientation		Parent conference, out-of-school suspension & Supt's Hearing*			
10. Possession of drugs, drug related materials, alcohol, weapons, or dangerous objects detrimental to the public safety.	<ul style="list-style-type: none"> <li>Possession of drugs, drug related materials, alcohol, weapons, or dangerous objects detrimental to the public safety.</li> </ul>	Parent conference, out-of-school suspension & Supt's Hearing*			
	<ul style="list-style-type: none"> <li>Smoking</li> </ul>	Parent conference & warning of possible Supt's Hearing	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Supt's Hearing*

**B. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)**

**Middle Schools**

	<ul style="list-style-type: none"> <li>• Possession of flammable materials, fireworks, explosives, false alarms, bomb scares, weapons, lighters, etc.</li> </ul>	Supt's Hearing			
<p><b><i>In addition to the above consequences, any criminal activity will be reported to the appropriate law enforcement agency.</i></b></p>					

**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
<b>1. Students will follow directions the first time they are given.</b>	<ul style="list-style-type: none"> <li>Disrespectful behavior to staff</li> <li>Failure to stop committing infraction</li> <li>Interference with discipline of another student</li> </ul>	Parent conference	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Swearing or use of vulgar language</li> </ul>	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Disrupting an assembly</li> </ul>	Removal & parent notification	Removal, Parent conference & in-school suspension	Removal, Parent conference & out-of-school suspension	
	<ul style="list-style-type: none"> <li>Bringing “boom boxes” or laser pointers to school</li> <li>Using cell phones, pagers, 2-way communication systems, Walkman, and/or other electronic devices</li> </ul>	Confiscation, parent notification & pick up item	Confiscation, parent notification & pick up item at end of 1 week	Confiscation, parent notification & pick up item at end of month	Confiscation, parent notification & pick up item at end of term



**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

<p><b>2. All students are expected to be in class on time.</b></p>	<ul style="list-style-type: none"> <li>Late to class 3 times</li> </ul>	<p>Parent notification</p>	<p>Parent conference &amp; in-school suspension</p>	<p>Parent conference &amp; out-of-school suspension</p>	
	<ul style="list-style-type: none"> <li>Unexcused lateness to school</li> <li>Cutting class</li> <li>Leaving the classroom or school grounds during school hours without permission</li> </ul>	<p>Parent notification</p>	<p>Parent conference &amp; in-school suspension</p>	<p>Parent conference &amp; out-of-school suspension</p>	<p>Parent conference &amp; Supt's Hearing*</p>

**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

GUIDELINE	TYPE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE	4 <sup>TH</sup> OFFENSE
<b>3. Students in the hall during class time must have a pass.</b>	<input type="checkbox"/> Loitering	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<input type="checkbox"/> No pass <input type="checkbox"/> Pass forgery or alteration	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
	<input type="checkbox"/> Lack of identification	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
<b>4. Students will have respect for people and for personal and school property.</b>	<input type="checkbox"/> Keep hands, feet and other objects to yourself <input type="checkbox"/> No snowball throwing <input type="checkbox"/> No pushing, shoving, wrestling or other behaviors that might result in someone being injured, or other acts detrimental to public safety	Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*

**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

<ul style="list-style-type: none"> <li>• Smoking</li> <li>• Theft</li> <li>• Vandalism, graffiti, etc.</li> </ul>	Financial restitution/ restoration & Parent conference	Financial restitution/ restoration, Parent conference & in-school suspension	Financial restitution/ restoration, Parent conference & out-of-school suspension	Parent conference & Supt's Hearing*
<p><b><i>In addition to the above consequences, any criminal activity will be reported to appropriate law enforcement agency.</i></b></p>				
<ul style="list-style-type: none"> <li>• Reckless driving</li> <li>• Misuse of car &amp;/or parking privileges</li> </ul>	Parent notification & warning of Supt's Hearing	Parent conference & one week loss of privileges	Parent conference & one month loss of privileges	Parent conference, loss of privileges for the remainder of the year & Supt's Hearing*

**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

<b>GUIDELINE</b>	<b>TYPE OF OFFENSE</b>	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>	<b>4<sup>TH</sup> OFFENSE</b>
<b>5. Students will walk in the halls and avoid yelling and screaming.</b>		Parent notification	Parent conference & in-school suspension	Parent conference & out-of-school suspension	
<b>6. There will be no fighting (assault, battery, reckless endangerment and/or intent to cause bodily harm).</b>		Suspension Hearing*	Supt's Hearing*		
<b>7. There will be no Inappropriate school bus behavior.</b>		Parent notification & warning of possible Supt's Hearing	Parent conference & in-school suspension	Parent conference & bus suspension	Parent conference & Supt's Hearing*
<b>8. Sexual harassment (verbal, non-verbal, physical) Bullying and Cyber-Bullying</b>		Parent conference, out-of-school suspension & Supt's Hearing*			
<b>9. Discrimination on the basis of race, religion, ethnicity, gender, gender identity, national origin or sexual orientation</b>		Parent conference, out-of-school suspension & Supt's Hearing*			
<b>10. Possession of drugs, drug related materials, alcohol, weapons, or dangerous objects detrimental to the public safety.</b>	<ul style="list-style-type: none"> <li>Possession of drugs, drug related materials, alcohol, weapons, or dangerous objects detrimental to the public safety.</li> </ul>	Parent conference, out-of-school suspension & Supt's Hearing*			

**C. ADMINISTRATIVE CONSEQUENCES (AFTER TEACHER INTERVENTION)  
High Schools**

	<ul style="list-style-type: none"> <li>Smoking</li> </ul>	Parent conference & warning of possible Supt's Hearing	Parent conference & in-school suspension	Parent conference & out-of-school suspension	Supt's Hearing*
	<ul style="list-style-type: none"> <li>Possession of flammable materials, fireworks, explosives, false alarms, bomb scares, weapons, lighters, etc.</li> </ul>	Supt's Hearing			
<p><b><i>In addition to the above consequences, any criminal activity will be reported to the appropriate law enforcement agency.</i></b></p>					

**East Ramapo Central School District**

Spring Valley, New York 10977

**TEACHER REMOVAL OF STUDENT FROM CLASS**

(This form must be completed by the end of the school day on which the misbehavior that led to removal occurred.)

Student Name \_\_\_\_\_ D.O.B. \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

1) Describe fully the student's misbehavior (include specific time and place) and why you feel the student should be removed from your class, including how the student's conduct disrupted your class.

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2) What occurred before, or appeared to trigger the misbehavior that resulted in your removing the student from your class?

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3) ~~Prior to removing the student from your classroom, what interventions did you employ to manage the student's conduct?~~

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4) During the school year, what techniques have you employed to prevent misbehavior from this student?

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5) Prior to the conduct that resulted in your removal of the student from your class, what contacts did you have with the student's parent or guardian about his/her prior conduct in your class?

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**East Ramapo Central School District**

*Spring Valley, New York 10977*

***TEACHER REMOVAL OF STUDENT FROM CLASS***

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**East Ramapo Central School District**  
Spring Valley, New York 10977

**TEACHER REMOVAL OF STUDENT FROM CLASS**

6) Why do you feel removal from class would be helpful?

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7) What arrangements have you made for the student's continuing education regarding material that will be taught in your class during the student's removal?

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8) If you find that the student's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, have you provided the student with an explanation of the basis for the student's removal and allowed the student to informally present his/her version of the relevant facts prior to removing the student from the classroom?

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9) ~~If you find that the student's continued presence in the classroom does pose a continuing danger to persons or property and does present an ongoing threat of disruption to the academic process, have you made arrangements to provide the pupil with an explanation of the basis for the student's removal and an informal opportunity to be heard within twenty-four hours of the student's removal?~~

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**PLEASE NOTE:** ~~In case of removal, the parent has the right to a conference/hearing within 24 hours regarding any teacher removal of student from class.~~

The teacher must meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day. The teacher must attend the informal conference if one is held. If after a conference it is determined that the student was inappropriately removed from class, the teacher will be responsible to make the missed work available as soon as possible.

Teacher Signature \_\_\_\_\_ / Date \_\_\_\_\_

Removal approved by Building Principal or Designee

\_\_\_\_\_  
Approved / Date \_\_\_\_\_ Disapproved / Date \_\_\_\_\_





**COUNTY OF ROCKLAND  
DEPARTMENT OF SOCIAL SERVICES**

The Dr. Robert L. Yeager Health Center  
Building L - Sanatorium Road  
P.O. Box 307  
Pomona, New York 10970-0307  
Telephone: (914) 364-2000

C. SCOTT VANDERHOEF  
County Executive

JOSEPH R. HOLLAND  
Commissioner

**EMERGENCY REMOVAL WITHOUT COURT ORDER  
(SCHOOL DISTRICT NOTIFICATION)**

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

TO: \_\_\_\_\_  
(School District)

FROM: \_\_\_\_\_  
(Caseworker)  
Rockland County Department of Social Services  
Child Protective Services

CHILD: \_\_\_\_\_

This will confirm that pursuant to the provisions of Family Court Act Section 1024, the above-named caseworker for the Rockland County Department of Social Services, Child Protective Services, has taken the above-named child into protective custody without court order. The caseworker has reasonable cause to believe that the child is in such circumstance or condition that his/her continuing in the care and custody of the parent or person legally responsible for the child's care presents an imminent danger to the child's life or health and there is not enough time to apply for an order under Family Court Act Section 1022.

Pursuant to the provisions of Social Services Law Section 425, on behalf of the Commissioner of the Rockland County Department of Social Services, it is requested that the above-named school district assist in the investigation in this matter by providing the following information or documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following are Board of Education Policies that pertain to the District's Code of Conduct:

- 0100 Equal Opportunity
- 1240 Visitors to Schools
- 1520 Public Conduct on School District Property
- 1530 Smoking on School Premises – Public
- 4526 Computer Use in Instruction (Acceptable Use Policy)
- 4526.1 Internet Safety
- 5030 Student Complaints and Grievances
- 5100 Student Attendance
- 5160 Student Absences and Excuses
- 5210 Student Organizations
- 5300 Code of Conduct
- 5310 Student Discipline
- 5311 Care of School Property by Students
- 5312 Student Dress Code
- 5313 Cellular Phones & Pagers
- 5314 Dangerous Weapons in School
- 5316 Bullying
- 5320 Penalties
- 5321 Detention
- 5322 Suspension In-School
- 5323 Suspension – Regular Instruction
- 5324 Suspension – Transportation
- 5330 Corporal Punishment
- 5340 Searches and Interrogations
- 5400 Student Welfare
- 5440 Alcohol and Substance Abuse
- 5454 Student Automobile Use
- 5680 Student Care of School Equipment

**Definitions**

Definitions from Part 201.2 of the Regulations of the Commissioner of Education as it Pertains to Students with Disabilities.

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

(b) Committee on special education or CSE means a committee on special education, subcommittee on special education, or other multidisciplinary team established in accordance with Education Law section 4402 or, in the case of a preschool student with a disability, the committee on preschool special education.

(c) Controlled substance means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9328; 1995 - available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234).

(d) Day shall mean a calendar day, except where a school day or business day is specified.

(1) School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school, including students with and without disabilities.

(2) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day).

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

(1) for more than 10 consecutive school days; or

(2) for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

(f) Expedited due process hearing means an impartial hearing conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.11 of this Part.

- (g) Expedited evaluation means an individual evaluation conducted in an expedited manner under the circumstances and in accordance with the procedures specified in section 201.6 of this Part.
- (h) Functional behavioral assessment means the process of determining why a student engages in behaviors that impeded learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of the Regulations of the Commissioner of Education and shall include, but is not limited to, behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.
- (i) Illegal drug means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.
- (j) Impartial hearing officer means an impartial hearing officer as defined in section 200.1(x) of this Title who is appointed to conduct an impartial hearing or expedited due process hearing pursuant to Education Law section 4404(1). Such term shall not include a hearing officer designated by a superintendent of schools to conduct a superintendent's hearing pursuant to Education Law section 3214(3)(c).
- (k) Interim alternative educational setting or IAES a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall:
- (1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
  - (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- (l) Removal means:
- (1) a removal of a student with a disability for disciplinary reasons from that student's current educational placement, other than a suspension as defined in subdivision (r) of this section; and
  - (2) the change in placement of a student with a disability to an IAES by an impartial hearing officer pursuant to section 201.8 of this Part. Such term shall also include the change of placement of a student with a disability to an IAES pursuant to section 201.7(e) of this Part made in conjunction with a suspension.
- (m) Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

(n) Student presumed to have a disability for discipline purposes means a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in section 201.5(b) of this Part.

(o) Student with a disability means a student with a disability as defined in section 200.1(zz) of this Part or a preschool student with a disability as defined in section 200.1(mm) of this Part.

(p) Superintendent or superintendent of schools means a superintendent of schools of a school district, including a community superintendent, or the chief school officer of an approved private school. Such term does not include a district superintendent of schools.

(q) Superintendent's hearing means a disciplinary hearing conducted pursuant to Education Law section 3214(3)(c) and (g) by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

(r) Suspension means suspension pursuant to Education Law section 3214(3)(a-d).

(s) Weapon means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

## Restorative Terminology

**Progressive Discipline:** Uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline seeks concurrent accountability, learning, and behavioral change. Progressive discipline aims at creating recurring learning opportunities around behavioral, moral, and ethical issues. By so doing, it can prevent recurring negative behaviors by helping students learn from their mistakes. Implementing progressive discipline requires that school staff help students who have engaged in misconduct:

- a. Understand the harm the behavior caused.
- b. Understand why the behavior occurred and what they could have done differently in the same situation
- c. Take responsibility for their actions
- d. Use the opportunity to repair the harm, rebuild relationships, and to learn strategies and skills to use in the future
- e. Understand the progression of more stringent consequences if the behavior reoccurs.

**Circle Process:** Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty, or students and faculty) participates. A circle can also be used in response to a particular issue that affects the school. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

**Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

**Peer Mediation:** An impartial, third-party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

**Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspectives and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

The primary goal of student discipline is to engage and re-engage students in their educational work. Student discipline is relational work that seeks to encourage students to reflect on behavior and equip them with tools that enables them to structure behavior productively and to support moral and ethical growth. Discipline should be governed by a desire for, and commitment to, a strong educational community based on deep and caring relationships and engagement in high-quality work.

There are three types of intervention strategies that are available to teachers and administrators: Administrative, Restorative, and Skill-based/Therapeutic.

- Administrative strategies are statutory, rule-based, or contract-based done “to” the offender, such as detention or suspension.
- Restorative Strategies are problem-solving intervention done “with the offender.”
  - Family group conferencing
  - Victim-offender mediation
  - Classroom peace circles
- Therapeutic/Resource Strategies are done “by” the offender and require intrinsic motivational behavior change. Such interventions include:
  - Mental health counseling
  - Anger management classes
  - Informal mentoring and behavior coaching