

DRAFT

MILLBROOK CENTRAL SCHOOL DISTRICT

CONDUCT OF CONDUCT

Board of Education Policy #5300

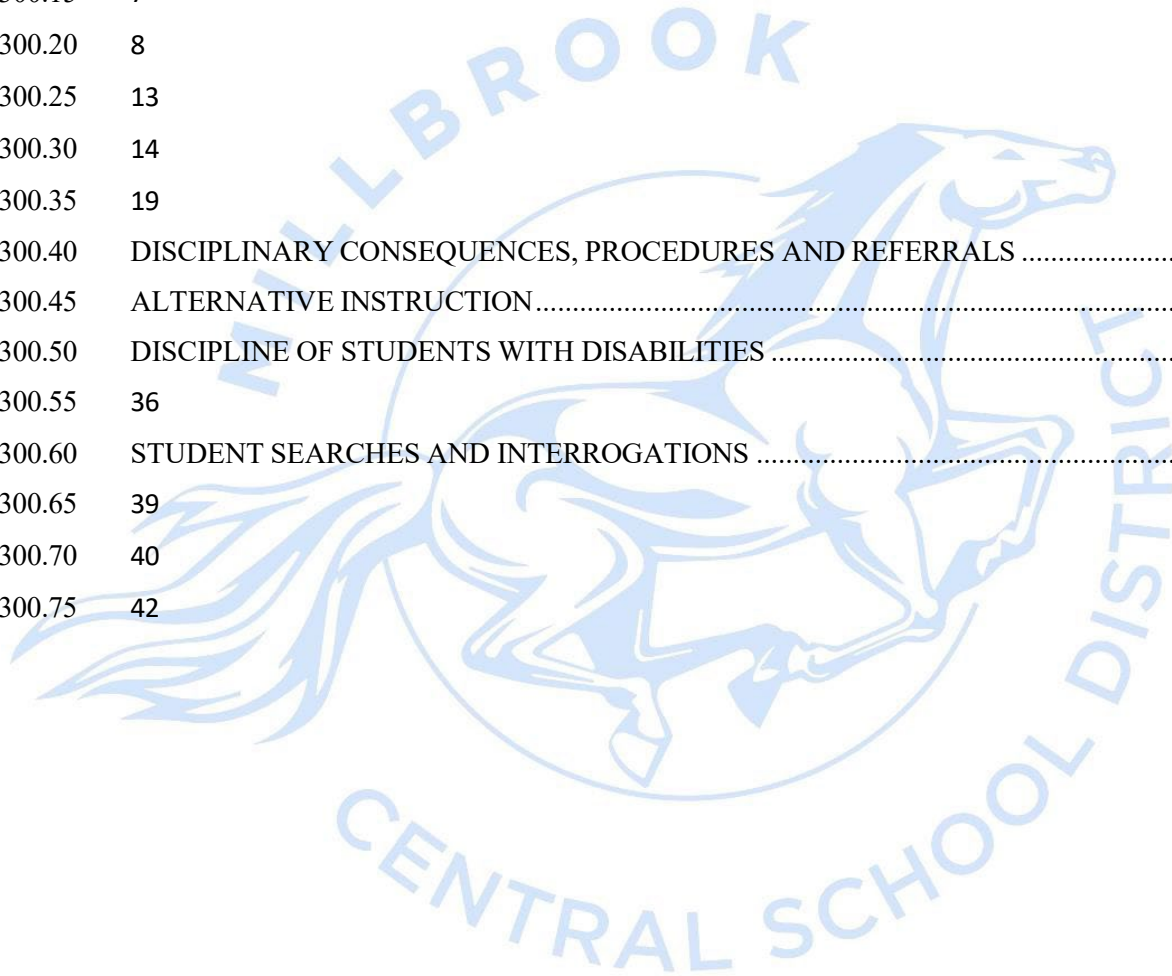


DRAFT

CONDUCT OF CONDUCT

Table of Contents

5300.00	WHY WE HAVE A CODE OF CONDUCT	4
5300.05	INTRODUCTION.....	5
5300.10	DEFINITIONS	6
5300.15	7	
5300.20	8	
5300.25	13	
5300.30	14	
5300.35	19	
5300.40	DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS	20
5300.45	ALTERNATIVE INSTRUCTION.....	29
5300.50	DISCIPLINE OF STUDENTS WITH DISABILITIES	30
5300.55	36	
5300.60	STUDENT SEARCHES AND INTERROGATIONS	37
5300.65	39	
5300.70	40	
5300.75	42	



DRAFT

5300.00 WHY WE HAVE A CODE OF CONDUCT

Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. It is also essential that students are able to take age-appropriate responsibility for their own behavior.

Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults. This helps to ensure that students are better able to:

- recognize and manage emotions;
 - develop caring and concern for others;
 - establish positive relationships;
 - make responsible decisions; and
 - handle challenging situations constructively and ethically.
1. Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.
 2. All adults: teachers, principals, administrators, school staff, parents, and the larger community, have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.
 3. Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.

Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solutions oriented, rather than punitive]. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

DRAFT

4. The District will continuously monitor results in an effort to determine strategies for improvement.

5300.05 INTRODUCTION

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

ensuring each student is healthy, safe, engaged, supported, and challenged;

helping students develop self-discipline and social and emotional growth; and

guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

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

For this to happen, everyone in the school community must demonstrate and offer respect to others.

With the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Student engagement is also integral to creating a positive school climate and culture that effectively fosters students' academic achievement and social/emotional growth. Providing students with multiple opportunities to participate in a wide range of pro-social activities and at the same time to develop a bond with caring, supportive adults reduces negative behavior. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of student's achievements in a range of academic and co-curricular areas; using corrective feedback, and developing school-wide positive behavior systems.

DRAFT

The 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, identify the possible developmentally appropriate, graduated consequences of unacceptable conduct, and ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this code of conduct ("code"), which is based upon education laws, regulations, and Board policies.

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

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

“Behavior” is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

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

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

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

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

“Objectionable physical behavior” is that which infringes on the personal space and movement of others, offends propriety, or results in bodily injury. Manifestations of this behavior include, but are not limited to:

- running in the halls,
- shoving, pushing, poking, prodding,

DRAFT

- display of intimate affection, overt sexual display, inappropriate touching,

DRAFT

- unsafe use of property, throwing of objects (i.e., snowballs, rocks, coins, etc.) and offensive gestures.

Students exhibiting objectionable physical behavior may be subject to discipline as per this Code of Conduct.

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

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

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

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

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

"School 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 extracurricular event or activity.

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

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

- Commits an act of violence upon a school employee, or attempts to do so.
- 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.
- Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.

DRAFT

- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

"Weapon" 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, slingshot, metal knuckle knife, box cutters, 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.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

Student Rights

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose disciplinary penalty consequences in connection with the imposition of the penalty.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:
7. Course objectives, requirements and state standards;
8. Grading criteria and procedures;
9. Assignment requirements and deadlines; and
10. School and classroom rules and expectations regarding behavior.

Student Responsibilities

DRAFT

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules, and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. To be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage anger, their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. 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.

5300.20 ESSENTIAL PARTNERS

All members of our learning community – including students, staff, parents and engaged service providers – must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

Those responsibilities include but are not limited to the following:

Parents

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides

DRAFT

how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, 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 and collaborate with the district to optimize their child's educational opportunities.
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 excused.
5. Ensure their children are 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 so that their children can help create a safe, respectful, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Tell school officials about any concerns or complaints in a respectful and timely manner.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Be respectful and courteous to staff, other parents/guardians and students while on school premises.

Staff

The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to the school principal so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g., anger, outbursts, withdrawal, self-injury).

DRAFT

Teachers

To achieve this goal, all district teachers are expected to:

- a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-worth and promote confidence to learn.
- b) Be prepared to teach.
- c) Demonstrate interest in teaching and concern for students and student achievement.
- d) Know school policies and rules, and enforce them in a fair, timely, and consistent manner.
- e) Maintain confidentiality in conformity with federal and state law.
- f) Communicate to students and parents:
 - i. Course objectives and requirements
 - ii. Marking/grading procedures
 - iii. Assignment deadlines
 - iv. Expectations for students
 - v. Classroom discipline behavior and consequences plan.
- g) Communicate regularly with students, parents and other teachers regarding behavior, growth and achievement.
- h) Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- i) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- j) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- k) Be open to active participation in resolving conflicts through a restorative process.

School Counselors

- a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression, or sex.
- b) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- c) Initiate teacher /student/counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
- d) Regularly review with students their educational progress and career plans.
- e) Maintain confidentiality in accordance with federal and state law.
- f) Provide information to assist students with career planning.
- g) Encourage students to benefit from the curriculum and extracurricular programs.
- h) Make known to students and families the resources in the community that are available to meet their needs.

DRAFT

- i) Participate in school-wide efforts to provide adequate supervision in all school spaces.

DRAFT

- j) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- k) Address personal biases that may prevent equal treatment of all students.
- l) Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- m) Be open to active participation in resolving conflicts through a restorative process.

Other School Personnel

- a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- b) Maintain confidentiality in accordance with federal and state law.
- c) Be familiar with the code of conduct.
- d) Help children understand the district's expectations for maintaining a safe, orderly environment.
- e) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- f) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- g) Address personal biases that may prevent equal treatment of all students.
- h) Be open to active participation in resolving conflicts through a restorative process.

Principals/Administrators

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, including gender identity and expression, or sex.
- b) Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
- c) Maintain confidentiality in accordance with federal and state law.
- d) Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- e) Support the development of and student participation in appropriate extracurricular activities.
- f) Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
- g) Be responsible for enforcing the code of conduct and ensuring that all cases are resolved

DRAFT

promptly and fairly.

DRAFT

- h) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- i) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- j) Address personal biases that may prevent equal treatment of all students and staff.
- k) Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- l) Be open to active participation in resolving conflicts through a restorative process.

The Dignity Act Coordinators

The Dignity Act Coordinators are as follows:

Elm Drive Elementary School – Alicia O’Connell, Principal
Alden Place Elementary School – Thomas Libka, Principal
Millbrook Middle School – Steven Cabello, Principal
Millbrook High School – Eric Seipp, Principal

Their duties are as follows:

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression, or sex.
- b) Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
- c) Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- d) Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
- e) Be responsible for monitoring and reporting on the effectiveness of the district’s bullying prevention policy.
- f) Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- g) Address personal biases that may prevent equal treatment of all students and staff.

Superintendent

- a) Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and expression, or sex.

DRAFT

- b) Inform the Board about educational trends relating to student discipline
- c) Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
- d) Maintain confidentiality in accordance with federal and state law.
- e) Work to create instructional programs that minimize incidents of misconduct, inappropriate behavior and are sensitive to student and teacher needs.
- f) Work with district administrators in encouraging a positive school climate, enforcing the code of conduct, and ensuring that all cases are resolved promptly and fairly, equitably.
- g) Participate in school-wide efforts to provide adequate supervision in all school spaces.
- h) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- i) Address personal biases that may prevent equal treatment of all students and staff.
- j) Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

Board of Education

- a) Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- b) Maintain confidentiality in accordance with federal and state law.
- c) Develop and recommend a budget that provides programs and activities that support the achievement of the goals of the code of conduct.
- d) 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.
- e) 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.
- f) Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
- g) Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- h) Address personal biases that may prevent equal treatment of all students and staff.
- i) The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- j) Be open to active participation in resolving conflicts through a restorative process.

DRAFT

5300.25 STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. 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.

At Millbrook Central School District, we believe each student needs a safe, nurturing, and supportive environment and a culture of mutual respect that promotes learning. In order to promote these values, students are expected to wear clothing which is appropriate for the school setting. While students are encouraged to express their individuality through their clothing, attire must not distract from the academic environment or interfere with the educational process.

All students must wear:

- Shirt/top covering chest/abdomen;
- Bottoms not exposing buttocks or genital area;
- Shoes;
- Clothing, footwear, appropriate for safe classroom participation

Students cannot wear:

- Clothing promoting drugs, alcohol, sex, or violence;
- Attire including visuals/language which creates a hostile or intimidating environment;
- Visible undergarments (visible straps on undergarments worn under other clothing are acceptable)
- Items, including but not limited to make-up, face paint, hoodies and head coverings obscuring the face (except for religious or medical reasons)
- Hats in the classroom or any other location where instruction is being provided or assemblies are taking place.

Students wearing anything deemed inappropriate for school will be asked to change or put something on over their clothes.

Nothing in this policy shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

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

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

DRAFT

5300.30 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

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

The Board recognizes the need to make its expectations for student conduct behavior 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 required to accept the consequences for their conduct.

Students may be subject to disciplinary action, up to and including, in extreme or repeated occurrences, suspension from school, when they:

A. **Disorderly Conduct:** Conduct likely to lead to a disturbance of the public peace, that offends public decency, or interrupts instruction in some way. Students have a right to a safe, healthy, orderly, and civil school environment. Any conduct that interferes with such an environment or with instruction is considered disruptive.

Examples of this type of behavior conduct include, but are not limited to:

1. Disruptive behavior
2. Running or otherwise unsafe behavior in hallways.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. 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.
5. 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.
6. Unauthorized use of personal electronic devices, such as, but not limited to, earbuds, headphones, cell phones, music or video players, digital cameras, and smart watches in a manner that is in violation of district policy.
7. Any student recording or attempting to record (via cellphones, smartwatches, cameras or other devices that creates audio and/or visual recordings) an altercation or other incident such as bullying or harassment on school grounds or at school sponsored events. In addition, the

DRAFT

distribution of such a recording using a cellphone, smartwatch, camera, internet, or social media (including but not limited to YouTube, SnapChat and X) is prohibited on school grounds

DRAFT

or at school sponsored events. Such distribution is also prohibited off school grounds when such distribution creates or may foreseeably create a substantial disruption to the educational process or order and operations of the school.

8. Willful Damage of School Property: intentional destruction of school property – graffiti, vandalism (students and their parents shall be financially responsible for all damages)
9. Intentionally damaging or destroying personal property of a student, teacher, administrator, other District employee, or any person lawfully on school property.
10. Engaging in any willful act which disrupts the normal operation of the school community.

B. Noncompliant Behavior: Engage in conduct that deliberately goes against what a student has been asked to do, where they are supposed to be, or failure to meet schoolwide expectations at any given time. This behavior is considered to be noncompliant.

Examples of noncompliant behavior can include, but are not limited to:

1. Insubordination: Willful refusal to follow directions, and/or willful refusal to express oneself in a way that is respectful and appropriate.
2. Cutting Class: Unexcused class absences (cutting, absent without permission or parental knowledge).
3. Eating/Drinking where prohibited
4. Parking on school property during school day without a permit or administrative permission
5. Tardiness to class/school
6. Unauthorized absence from school class
7. Leaving class without permission
8. Lateness for, missing, or leaving school without permission
9. Lying to school personnel
10. Demonstrating belligerence or disrespect
11. Skipping detention
12. Failure to disperse from any area when instructed by staff or school personnel

C. Academic Misconduct: Engage in any form of academic misbehavior that compromises the authenticity or originality of any academic exercise or assessment, including but not limited to, class work, homework, quizzes, exams, essays, lab reports, standardized tests, projects, and presentations.

This includes, but is not limited to the intent to:

1. Cheating: any attempt to give or obtain assistance or unfair advantage in a formal academic exercise (i.e., cheat sheets, looking at, copying, or paraphrasing someone else’s work, using electronic or computerized technology to give or obtain information).
2. Plagiarism: adoption or reproduction of ideas, words, or statements of another person without due acknowledgment (i.e., cutting/pasting from the internet or a database, attributing a particularly apt phrase, quoting/paraphrasing/summarizing an author’s work without citation, or “work-for-hire cheating.”). It includes omitting quotation marks when references are copied

DRAFT

directly, improper paraphrasing, or inadequate referencing of sources.

DRAFT

3. **Self-Plagiarism:** the submission of the same work for academic credit more than once without permission. For instance, submitting the same paper for credit in two different courses is an example of self-plagiarism.
4. **Fabrication:** the falsification of data, information, or citations in any formal academic exercise (e.g. making up citations to back up arguments, invent quotations, change numbers to make experiments or equations “work,” make false claims about research performed, or include/exclude selective information in order to generate bogus data). It includes forgery, lying, and changing academic documents.
5. **Deception:** providing false information to a teacher concerning a formal academic exercise (i.e., taking more time on a take-home test than is allowed, giving a dishonest excuse when asking for a deadline extension, or falsely claiming to have submitted work)
6. **Sabotage:** preventing others from completing their work (i.e., cutting/ripping pages out of library books, willfully disrupting the experiments or classwork of other students, or attempting/ introducing computer viruses).
7. **Altering School Records:** modification of, or misrepresentation of original documents provided by the school such as progress reports, report cards, attendance letters, or other documentation
8. **Use of Artificial Intelligence Systems (ie: ChatGPT)**

D. Conduct that Endangers the Safety, Morales, Health or Welfare of Others: Engage in any conduct that endangers the safety, physical or mental health, or welfare of others.

Examples of such this type of behavior conduct include, but are not limited to:

1. **Dress Code Violation –** Willful refusal to comply with the MCSD Code of Conduct dress code and/or obscene, profane, vulgar printing or imagery on clothing.
2. **Obscene material.**
3. **Possession of Tobacco/Smoking/Vaping:** Possession of any type of tobacco product including smokeless tobacco and/or electronic smoking devices.
4. **Use of Tobacco/Smoking/Vaping:** Use of any type of tobacco product including smokeless tobacco and/or electronic smoking devices.
5. **Sale or Distribution of Tobacco/Smoking/Vaping:** Sale of any type of tobacco product including smokeless tobacco and/or electronic smoking devices
6. **Possession of drugs/alcohol/controlled substance** (contact with the police depends on quantity and type of substance).
7. **Use of drugs/alcohol/controlled substances** (contact with the police depends on quantity and type of substance).
8. **Sale of drugs/alcohol/controlled substance** (contact with the police depends on quantity).
9. **Explosive Devices:** Possession and/or detonation of, or threatening to use fireworks, smoke bombs, stink bombs, snappers, or other explosive/chemical device.
10. **Gambling.**
11. **Hazing:** Striking, bruising, maiming, or creating physically dangerous situations and/or fears, embarrassment, or intimidation in order for the participants to gain approval/access into the groups and/or clubs as a rite of passage.
12. **Extortion:** Obtaining property or assistance through coercion.
13. **Arson:** Deliberate setting of a fire.

DRAFT

14. Theft: Unlawful taking of property.

DRAFT

15. Objectionable physical behavior or unwanted physical contact of another.
16. Physical bullying involves hurting a person's body or possessions. Physical bullying includes: Hitting/kicking/pinching, spitting, ripping/pushing, taking or breaking someone's things, making mean or rude hand gestures, etc.
17. Verbal bullying is saying or writing mean things. Verbal bullying includes: teasing, name-calling, inappropriate sexual comments, taunting, threatening to cause harm, etc.
18. Social bullying, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes: leaving someone out on purpose, telling other children not to be friends with someone, spreading rumors about someone, embarrassing someone in public, etc.
19. Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal threatening or actual behavior.
20. Mental Harassment: Instilling fears, embarrassment, in whole or in part upon actual or perceived individual defining characteristics.
21. Physical Harassment: Striking, bruising, maiming, or creating physically dangerous situations in whole or in part upon actual or perceived individual defining characteristic.
22. Sexual Harassment: Behavior characterized by the making of unwelcome and inappropriate sexual remarks, gestures, physical advances or sexually abusive behaviors in the school setting or outside of school where it affects the student(s) in school.
23. False Fire Alarm / Misuse of 911 / Bomb Scare.

E. **Violent Conduct:** Engage in conduct that is violent.

Examples of violent behavior include, but are not limited to:

1. Lewd, profane, vulgar, or abusive behavior towards faculty, staff or peers
2. Inciting Violence /Menacing: verbally making threats or encouraging someone else to participate in a physical or verbal altercation.
3. Committing an act of violence (such as hitting, kicking, punching, scratching, pulling hair, etc.) upon another student or any other person lawfully on school property OR attempting to do so where no physical harm is caused.
4. Committing an act of violence (such as hitting, kicking, punching, scratching, pulling hair, etc.) upon another student or any other person lawfully on school property OR attempting to do so where physical harm IS caused.
5. Possessing a weapon or firearm.
6. Engaging in physical altercation/fighting.
7. Fighting involving a weapon.
8. Reckless Driving: Driving in a way that endangers people and/or property on school grounds (speeding, weaving, burning rubber, etc.)

DRAFT

F. Engage in misbehaviors otherwise prohibited by sections A-E of this section while on a school bus and to remain seated, keep objects and body parts inside the bus, obey the directions from the bus driver or monitor. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

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

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

A student may also be subject to discipline for serious or severe bullying or harassment, including cyberbullying, which occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For a complete definition of harassment, bullying, and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention.

5300.35 REPORTING VIOLATIONS

Because the district's goal is for making school a community free of violence, intimidation, bullying, harassment, and discrimination, all students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the Building Principal, or his or her 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 Principal, the Principal's designee, or the Superintendent of Schools.

All district staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to their supervisor, who shall, in turn, impose an appropriate disciplinary consequence if so authorized, or refer the

DRAFT

matter to a staff member who is authorized to impose an appropriate consequence.

DRAFT

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 consequences, which may include permanent suspension and referral for prosecution.

The Principal or his/her 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 his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

5300.40 DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS

Consequences

Practices that allow educators to address disciplinary matters as opportunities for learning instead of punishment are expected by the Board rather than a reliance on increasing punitive measures. When choosing interventions and consequences of a student's behavior, teachers, administrators, and staff must balance the district's dual goals of eliminating school disruptions and maximizing student instructional time. Students who are found to have violated the district's code of conduct may be subject to the following interventions and consequences, either alone or in combination. The school personnel identified after each consequence are authorized to assign that consequence, consistent with the student's right to due process.

Restorative and accountable consequences and interventions are determined after a thorough investigation has been conducted to understand the event(s) that took place and the rationale.

Students will learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Students will be taught the skills necessary to engage in conversations about their actions and decisions. District personnel who interact with students are expected to use consequences and interventions focused on the students' ability to grow in self-discipline and agency.

Consequences and interventions will be equitable, restorative and accountable so as to be the most effective in promoting positive student behavior and minimizing inappropriate behaviors; with minimal loss of instructional time whenever possible. In determining the appropriate course of action, school personnel authorized to apply consequences and interventions will consider the following:

- The nature, severity, and scope of the behavior
- The student's age and maturity
- The circumstances/context/ visibility and location in which the conduct occurred
- The frequency and duration of behavior
- The number of persons involved in the incident

DRAFT

- The student’s disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied to each)
- The effectiveness of other forms of consequences and interventions previously utilized to correct behavior and prevent future incidences of behavior
- The student’s IEP (Individual Education Plan), BIP (Behavioral Intervention Plan) and 504 accommodation if applicable
- If the conduct of the student is a direct manifestation of their disability

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

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

1. Verbal warning, teacher/student conference, parent contact, in-class time out, a brief time out of class, loss of classroom privileges – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, Principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, school counselors, teachers, Principal, Superintendent
4. Detention – teachers, Principal, Superintendent
5. Removal from classroom by teacher – teachers, Principal
6. Suspension from transportation – administrative liaison to transportation, Principal, Superintendent
7. Suspension from athletic participation – coaches, athletic director, Principal, Superintendent
8. Suspension from social or extracurricular activities – advisor, Principal, Superintendent
9. Suspension of other privileges – Principal, Superintendent
10. In-school suspension – Principal, Superintendent
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
12. Long-term (more than five days) suspension from school – Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

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 inappropriate behavior and must investigate, to the extent necessary, the facts surrounding the alleged misbehavior. 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.

DRAFT

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 of student misbehavior 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 misbehavior to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the 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 Principal or the Principal's designee to discuss the conduct and the consequence(s) involved.

3. Suspension from athletic participation, extra-curricular 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/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequence(s) 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 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."

DRAFT

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the consequence(s) 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 into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) 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.

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

On occasion, a student's behavior may become more disruptive than a teacher can manage. 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 with administrative notification. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

DRAFT

The teacher must complete a district-established disciplinary referral form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, 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 parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal may require the teacher who ordered the removal to attend the informal conference.

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

DRAFT

Each teacher must keep a complete log (on a district-provided form) for all cases of removal of students from his/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 severely insubordinate, disorderly, violent, or severely 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 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.

1. Short term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misbehavior for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misbehavior 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 are 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 establish.

DRAFT

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 **ten (10)** 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 of Education within 30 days of the decision.

a) Long term (more than five days) Suspension from School

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

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

An appeal of the decision of the Superintendent may be made to the Board, which 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 **thirty (30)** 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 of Education within 30 days of the decision.

b. 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.

DRAFT

c. Procedure After Suspension

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

C. Minimum Periods of Suspension

1. Students who bring or possess *certain* weapons on school property

Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death 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:

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

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

1. Students who commit violent acts other than bringing or possessing *certain* weapons on school property

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, shall be subject to suspension from school for at least one-day. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds a 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 one-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.

DRAFT

2. 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 one-day. 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 the teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds a 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 one-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 School Counseling 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 that 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 a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

- a) To the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - i. All students under age 16, except students age 14 or 15 who qualify for juvenile

DRAFT

offender status under the Criminal Procedure Law 1.20(42).

DRAFT

- ii. To the appropriate law enforcement authorities:
- iii. All students age 16 or older, and all students age 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law 1.20(42).

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any 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 less than 2½ inches long. A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas).

5300.45 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. The Board of Education expects students, administrators, teachers, and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions, those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

DRAFT

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, 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.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, 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.
1. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed healthcare 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.
2. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
3. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
4. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
5. *Removal* means removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
6. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.

DRAFT

7. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
8. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
9. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
10. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools, or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the district's jurisdiction.

DRAFT

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

DRAFT

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled

DRAFT

substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.
3. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services, and modifications designed to address the behavior violation so that it does not recur.
4. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors has the right to invoke any of the protections set forth

DRAFT

in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is, therefore, a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal, or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;

DRAFT

2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT:

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

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

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

DRAFT

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

5300.60 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.

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse, and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law 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.

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

DRAFT

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. Search & Seizures

Privacy Rights of Search & Seizures – Students in attendance in our schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no students’ person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, and storage areas assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the school district and shared with the student.

C. Treatment of Personal Electronic Devices

Use or possession of cell phones, beepers, or other personal electronic devices during the school day are prohibited. Teachers and administrators are authorized to confiscate all personal electronic devices that are being used in violation of the Code of Conduct and/or District Policies.

D. Searches

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

E. 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.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student’s parent to give the parent the opportunity to be present during the police questioning or search. If the student’s parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

DRAFT

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.

F. Child Protective Services Investigations

Consistent with the district's commitment to keeping 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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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.

5300.65 VISITORS TO THE SCHOOLS

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following expectations apply to visitors to the schools:

DRAFT

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 enter through the designated single point of entry and report to the School Monitor or Office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the School Monitor or Office of the Principal and sign out before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to sign-in.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session must arrange such visits in advance with the classroom teacher(s) and Building Principal.
5. Teachers are expected to teach and will not be able to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to meet the expectations for public conduct on school property contained in this code of conduct.

Ref: Education Law §§1708; 2801

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing a welcoming, engaging, respectful, orderly environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to maintain this kind of an environment, the public must also adhere to the expectations of the district. 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 expectations for the public's conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, and maintain order, and prevent infringement on the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.

DRAFT

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 actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
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 traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption), 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. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

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

DRAFT

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 Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination, misconduct, or otherwise not allowed behaviors, 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 behavior is not allowed 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 undesired behaviors, or if the person's actions pose 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.

5300.75 DISSEMINATION AND REVIEW

A. **Dissemination of Code of Conduct**

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the complete code available for review by students, parents, and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure

DRAFT

the effective implementation of the code of conduct and other trainings to contribute to its success

DRAFT

as needed. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

The Board 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 of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Adoption date:

5300-E Ranges of Disciplinary Consequences

Ref: Education Law §3214
8 NYCRR §100.2(1)
Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

DRAFT

Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008))
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

Ref: Education Law §§1708; 2801

