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## CODE OF CONDUCT

### **TABLE OF CONTENTS**

- I. Introduction**
- II. Definitions**
- III. Student Rights and Responsibilities**
- IV. Essential Partners**
- V. Student Dress Code**
- VI. Prohibited Student Conduct**
- VII. Reporting Violations**
- VIII. Disciplinary Responses, Interventions, Consequences, and Referrals**
- IX. Alternative Instruction**
  - X. Discipline of Students with Disabilities**
- XI. Corporal Punishment**
- XII. Student Searches and Interrogations**
- XIII. Visitors to the School**
- XIV. Public Conduct on School Property**
- XV. Dissemination and Review**

#### **I. Introduction**

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

The 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 and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents/persons in parental relation, and other visitors when on school property or attending a school function.

## II. Definitions

For purposes of this Code, the following definitions apply:

**Academic Dishonesty:** Includes plagiarism; use of artificial intelligence technology; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member

**Behavior Infraction:** Student behaviors that are inappropriate or unacceptable that warrant clear, fair, timely, and standardized consequences and interventions.

**Bullying/Harassment:** The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that:

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Acts of harassment and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For purposes of this definition the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

**Cyberbullying:** Harassment or bullying as defined above, where such harassment and bullying occurs through any form of electronic communication.

**Defamation:** Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or group by demeaning them

**Detention:** The supervised retention of students during the school day or after school for the purposes of increasing student self-awareness, self-management, and social skills and helping the student to understand the impact of their behavior and set goals to improve behavior and restore relationships

**Disability:** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held

**Disruptive Conduct:** Conduct that prevents others from being able to learn, focus, or be engaged in their work

**Disruptive Student:** An elementary or secondary student under the age of twenty-one who is substantially disruptive to the educational process or substantially interferes with the teacher's authority within the classroom

**Due Process:** A fundamental, constitutional guarantee of basic fairness, particularly in regard to disciplinary proceedings. Due process ensures that students will be afforded notice of the proceedings; an investigation that solicits information from all parties involved, an opportunity to be heard in a meaningful way in a timely manner, and an evidence-based decision that is reasonable and proportional to the incident

**Electronic Communication:** Communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, iPads, Smartwatches, video gaming systems or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, or blogs

**Emotional Harm:** In the context of bullying/harassment, harm to a student's emotional well-being through creation of a hostile school environment that is as severe or pervasive as to unreasonably and substantially interfere with a student's education

**Gender:** Actual or perceived sex including a person's gender identity or expression

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

**Gender Identity:** One's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth

**Hazing:** Intentionally or recklessly committing an act against a student, or coercing a student into committing an act that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization whether school sponsored or not, or for any other purpose. Hazing behaviors included, but are not limited to, the following general categories:

- Humiliation: socially offensive, isolating, or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol, or illegal/legal drugs;
- Dangerous: hurtful, aggressive, destructive, or disruptive behaviors

**Illegal Drug:** A controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law

**Illegal Substances:** Substances, including, but not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia, and any substance commonly referred to as “designer drugs”

**Individualized Education Program (IEP):** A legal written document required for children who are eligible to receive special education services. The members of the IEP team provide detailed information on children’s performance, offer direct support and services to students, set annual goals, and evaluate student’s progress on a regular basis

**Insubordinate Conduct:** Conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time

**Interim Alternative Educational Setting (IAES):** 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 individual 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.

**Restorative Practices:** Responses to student actions that violate the dignity, safety, or wellbeing 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. Restorative practices focus on the whole student and their growth to help them develop character.

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

**School Function:** Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips.

**Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality

**Theft:** Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use; Robbery, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon; Theft/possession/transfer of stolen goods, which includes the act of possessing or transferring the property of another without the consent of the owner

**Trespassing:** Being on school property without permission, including while suspended or expelled; includes breaking and entering

**Violent Student:** A student 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,
- possesses, while on school property or at a school function, a weapon,
- 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 function,
- knowingly and intentionally damages or destroys school district property

**Weapon:** a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death

### III. Student Rights and Responsibilities

#### A. Student Rights

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

- Learn and participate in all District activities in a safe, non-disruptive environment free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, or sex.
- A free education until the age of 21 or until graduation, whichever comes first.
- Express their opinion either in writing, verbally, or symbolically as long as it does not infringe on the rights of others.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- Present their version of the relevant events to school personnel authorized to impose consequences and receive due process in all disciplinary actions.

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

All District students have the responsibility to:

- Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect for other persons and to property
- Treat other students with respect and dignity.
- Follow all building-level safety and security protocols
- Carry and present ID when requested
- Abide by all District policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Adhere to the building dress code for school and school functions.
- Respect and take responsibility for all school property, including, but not limited to, District technology, equipment, textbooks and materials.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the District when participating in or attending school-sponsored, extra-curricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

#### **IV. Essential Partners**

##### **A. Parents / Persons in Parental Relation**

All parents are expected to:

- Maintain a climate of mutual respect and dignity toward the entire school community.
- 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 children's educational opportunities.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the Student Dress Code.
- Help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand so that their children can help create a safe, supportive school environment free from discrimination and/or harassment on the basis of actual or perceived race, color weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

##### **B. Teachers**

All District teachers are expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self- concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.

- Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
- Communicate regularly with students, parents and other teachers concerning student growth and achievement.
- 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.
- Address personal biases that may prevent equal treatment of all students in the classroom setting. Participate in school-wide efforts to provide appropriate supervision in all school spaces, in conformity with the Taylor Law.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

### **C. School Counselors, School Psychologists, and Social Workers**

School counselors, school psychologists, and social workers are expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems and foster learning.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Maintain confidentiality in accordance with federal and state law.
- Make known to students and families the resources in the community that are available to meet their needs.
- Participate in school-wide efforts to provide appropriate supervision in all school spaces.
- 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.
- Address personal biases that may prevent equal treatment of all students.

### **D. School-Related Personnel**

Other school-related personnel are expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Maintain confidentiality in accordance with federal and state law.
- Help students who may need assistance with school or personal problems and direct them to the appropriate staff members for assistance.
- Demonstrate an interest in students' educational and personal growth.
- Know the school policies and rules and Code of Conduct and assist with their enforcement. Participate in school-wide efforts to provide appropriate supervision in all school spaces.
- Inform appropriate staff of student misconduct and/or concerns for student safety.
- Help children understand the District's expectations for maintaining and promoting a safe, orderly school environment.
- Assist parents, visitors, and guests in a courteous and professional manner.
- Set standards of civility, mutual respect, citizenship, character, tolerance, honesty and integrity after which students may pattern themselves.
- 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.
- Address personal biases that may prevent equal treatment of all students.

### **E. Principals and Other Administrators**

Principals and other Administrators are expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Ensure that students, staff, and parents have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- Maintain confidentiality in accordance with federal and state law.
- Evaluate on a regular basis all instructional programs to ensure infusion of civility education in curriculum.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Ensure the proper channels are followed in addressing the concerns of parents.

#### **F. Dignity Act Coordinator**

The Dignity Act Coordinator is expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex
- Maintain confidentiality in accordance with federal and state law.
- Be familiar with the Code of Conduct.
- Help students understand the District's expectations for maintaining a safe and orderly environment.
- Participate in school-wide efforts to provide appropriate supervision in all school spaces.
- 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.
- Address personal biases that may prevent equal treatment of all students.

The contact information for the District Dignity Act Coordinators, by building, is as follows:

**Mrs. Diane Provvido, District-Wide Dignity Act Coordinator**

District Office  
145 Merle Avenue  
[dprovvido@oceansideschools.org](mailto:dprovvido@oceansideschools.org)  
516-678-1221

**Mrs. Julie McGahan**

Pre - K and K Center  
25 Castleton Court  
[jmcgahan@oceansideschools.org](mailto:jmcgahan@oceansideschools.org)  
516-594-2345

**Ms. Erin Marone**

Florence A. Smith School #2  
2745 Terrell Avenue  
[emarone@oceansideschools.org](mailto:emarone@oceansideschools.org)  
516-678-7557

**Mrs. Beth Ann Castiello**

Oaks School #3  
2852 Fortesque Avenue  
[bcastiello@oceansideschools.org](mailto:bcastiello@oceansideschools.org)  
516-678-7564

**Ms. Jaclyn Graham**

South Oceanside School #4  
3210 Oceanside Road  
[jgraham@oceansideschools.org](mailto:jgraham@oceansideschools.org)  
516-678-7581

**Mrs. Michelle Mastrande**

North Oceanside School #5  
2440 North Oceanside Road  
[mmastrande@oceansideschools.org](mailto:mmastrande@oceansideschools.org)  
516-678-7585

**Dr. Frank Zangari**  
Fulton Avenue School #8  
3252 Fulton Avenue  
[fzangari@oceansideschools.org](mailto:fzangari@oceansideschools.org)  
516-678-8503

**Mr. Josh McPherson**  
Boardman Elementary School #9E  
170 Beatrice Avenue  
[jmcperson@oceansideschools.org](mailto:jmcperson@oceansideschools.org)  
516-678-8510

**Dr. Allison Glickman-Rogers**  
Oceanside Middle School #9M  
186 Alice Avenue  
[aglickman-rogers@oceansideschools.org](mailto:aglickman-rogers@oceansideschools.org)  
516-678-8518

**Dr. Brendon Mitchell**  
Oceanside High School #7  
3160 Skillman Avenue  
[bmitchell@oceansideschools.org](mailto:bmitchell@oceansideschools.org)  
516-678-7526

**Mr. Franky Simmons**  
Oceanside High School Castleton  
145 Merle Avenue  
[fsimmons@oceansideschools.org](mailto:fsimmons@oceansideschools.org)  
516-678-7593

#### G. Superintendent

The Superintendent is expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Maintain confidentiality in accordance with federal and state law.
- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students free from discrimination and/or harassment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the Board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Ensure the proper channels are followed in addressing the concerns of parents.
- Participate in school-wide efforts to provide appropriate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health and safety of any student, school employee, or any person who is lawfully on school property or at a school function.

#### H. Board of Education

The Board of Education is expected to:

- Maintain a climate of mutual respect and dignity for all students toward the entire school community, free from discrimination and/or harassment on the basis of actual or perceived race,

color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

- 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.
- 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.
- Ensure the proper channels are followed in addressing the concerns of parents.
- Maintain confidentiality in accordance with federal and state law.
- 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.
- Address personal biases that may prevent equal treatment of all students and staff.

#### V. **Student Dress Code**

All students are expected to maintain personal hygiene and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. The responsibility for student dress and general appearance shall rest with individual students and parents. However, the board requires students to attend school and school related activities in appropriate dress that meets health and safety standards and does not interfere with the learning process or cause a disturbance in school or district. The board also requires students to wear appropriate protective gear in certain classes (e.g. family and consumer science, technology and science labs, physical education). Attire bearing an expression or insignia which is obscene or libelous, or which advocates discrimination, or is disruptive, is forbidden.

While students and parents are expected to use good judgment in this matter, the Superintendent, the building Principal, and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines and individual building rules. Each building Principal or designee shall be responsible for informing all teachers, support staff members, 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.

#### VI. **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.

It is expected that all students conduct themselves in a manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying, and harassment.

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

The Board recognizes the need to make its expectations specific and clear for student conduct while on school property or engaged in a school function. 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 and penalties for their conduct. All violations apply to student behavior in school, on school property, on school buses, and at school-sponsored functions, and student behavior off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment.

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

- A. **Engage in conduct that is disorderly.** Examples of disorderly conduct include, but are not limited to:
- Running or otherwise unsafe behavior in hallways
  - Making unreasonable noise
  - Using languages or gestures that are profane, lewd, vulgar, or abusive
  - Obstructing vehicular or pedestrian traffic
  - Engaging in any willful act which disrupts the normal operation of the school community

- Encouraging others to engage in any willful which disrupts the normal operation of the school community
- Trespassing in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building
- Computer/electronic communication misuses, including any unauthorized use of computers, software, internet accounts; accessing inappropriate websites; or any other violation of the District's acceptable use policy

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

- Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect
- Lateness and missing or leaving school without permission
- Failure to attend assigned detentions
- Failure to provide name or show student identification when asked by a school employee

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

- Failing to comply with the reasonable directions of teachers, school administrators, or other school personnel in charge of students
- Display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, and cameras, in a manner that is in violation of District policy
- Conduct that substantially interferes with the teacher's authority over the classroom and/or interferes with the social-emotional well-being of others
- Inappropriate public sexual contact

D. **Engage in conduct that is violent.** Examples of violent behavior include, but are not limited to:

- Committing an act of violence (such as hitting, shoving, kicking, punching, and scratching) upon a teacher, administrator, other school employee, another student, or any other person on school property or attempting to do so
- Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
- Displaying what appears to be a weapon
- Threatening to use any weapon
- Intentionally damaging or destroying (including graffiti or arson) the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property
- Intentionally damaging or destroying school district property
- Threats against the school or school district
- Driving recklessly or at excessive speeds on school property

E. **Engage in conduct that endangers the safety, physical or mental health, or welfare of others.**

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

- Attempting to engage in or perform an act of violence as noted in Section D.
- Subjecting other students, school personnel, or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury
- Lying to school personnel
- Stealing or attempting to steal the property of other students, school personnel, or any other person lawfully on school property or attending a school function
- Defamation as defined in the "Definitions" section of this Code of Conduct
- Using a derogatory term(s) towards an individual or group of individuals
- Discrimination, which includes using the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, gender identity, sexual orientation, or sex as a basis for treating another in a negative manner or to deny them rights, equitable treatment or access to facilities, activities or benefits which are available to others
- Bullying/harassment as defined in the "Definitions" section of this Code of Conduct. (See District Policy 3108.2 for a full reading of District policy)
- Cyberbullying as defined in the "Definitions" section of this Code of Conduct
- Hazing as defined in the "Definitions" section of this Code of Conduct
- Sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, oral, or physical contact of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to the Assistant Superintendent for Human Resources, Student Services, and Community Activities
- Intimidation or any actions or statements that put an individual in fear of bodily or emotional harm
- Inappropriately using an electronic device to record students or staff

- Selling, using, distributing, or possessing obscene material
- Using vulgar or abusive language, cursing, or swearing or using any slurs that refer to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, gender identity, sexual orientation, or sex as a basis for treating another in a negative manner
- Smoking a cigarette, cigar, pipe, electronic cigarette (i.e. vape) or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis, or possessing vape paraphernalia on school grounds
- Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances (as defined in "Definitions section of this Code of Conduct), or being under the influence of either.

## **VII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to any appropriate staff member who will report it to the building Principal. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to any appropriate staff member who will report it to the building Principal.

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

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

The building Principal or Principal's 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 Principal's designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

Any person who, acting reasonably and in good faith, makes a report pursuant to this Policy, or initiates, testifies, participates or assists in formal or informal proceedings arising from a report filed pursuant to this policy shall be free from any retaliation by the District. However, any person who knowingly and deliberately makes a false report of harassment pursuant to this Policy shall be subject to appropriate disciplinary action.

## **VIII. Disciplinary Responses, Interventions, Consequences, and Referrals**

When disciplinary action is determined to be necessary, it will be firm, fair, and consistent so as to be most effective in changing student behavior and holding students responsible for their actions. School personnel are expected to use disciplinary action when necessary with the goal of teaching appropriate social behavior and student self-discipline. In determining the appropriate disciplinary responses, interventions and consequences will consider the following:

- The student's age and developmental level
- The nature of the offense and the circumstances that led to the offense
- The student's prior disciplinary record
- The effectiveness of other forms of discipline
- Information from parents, teachers, and/or others, as appropriate
- Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations and will focus more on teaching the student proper behaviors. When appropriate, initial violations, depending on severity, may be addressed with restorative practices to help the students take accountability for their actions and to help them learn from mistakes. Additionally, restorative practices will continue to follow the progressive nature of discipline and may include detentions and suspensions.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability.

### **A. Responses, Interventions, and Consequences**

The School Board sets forth an expectation that the interventions and consequences of student's behavior maintains a clear balance of eliminating school disruptions while maximizing student instruction time. Although punitive measures are part of this process, disciplinary measures should also be viewed and employed as opportunities for students to learn and grow.

Students who are found to have violated the District's Code of Conduct may be subject to the following responses either alone or in combination:

- Oral Warning
- Written Warning
- Written Notification to Parent
- Detention
- Suspension from Transportation
- Suspension from Athletic Participation
- Suspension from Social or Extra-Curricular Activities
- Suspension of Other Privileges
- In-School Suspension
- Removal from Classroom by Teacher
- Short-Term (five days or less) Suspension from School
- Long-Term (more than five days) Suspension from School
- Permanent Suspension from School

In conjunction with this list, administration can employ conflict resolution meetings or other restorative process measures and methods to those harmed and/or re-entry meetings. Restorative practice methods will be encouraged when addressing disciplinary issues and agreed upon by all parties.

## **B. Procedures**

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

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

### **1. Detention**

Teachers, Principals, and the Superintendent may use after school detention as a consequence for student 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 that the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

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

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 parents will be provided with a reasonable opportunity for an informal conference with the building Principal or the Principal's designee to discuss the conduct and the penalty involved.

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

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 parents will be provided with a reasonable opportunity for an informal conference with the administrator imposing the suspension to discuss the conduct and the consequences involved.

### **4. In-School suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building Principals and the Superintendent to place students who would otherwise be suspended from

school as the result of a "Code of Conduct" violation in "in-school suspension."

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 parents will be provided with a reasonable opportunity for an informal conference with the administrator imposing the in-school suspension to discuss the conduct and the consequences involved.

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

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

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 rules of behavior.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately by calling for security and/or the Principal or other building administrator. 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 twenty-four hours.

Within twenty-four hours after the student's removal, the Principal or Principal's designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee, as well as the teacher who instituted the removal, 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 twenty-four hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number (s) for the purpose of contacting parents.

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 the Principal.

The Principal or the Principal's designee may overturn the decision removing the student from class if the Principal finds any one of the following:

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

The Principal or the Principal's 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 forty-eight-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal/designee makes a final determination, or the period of removal expires, whichever comes first.

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

Each teacher must complete a log of the removal in the District's student management system.

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/Principal's designee or with the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

## **6. Suspension from school**

Suspension from school is a severe consequence which may be imposed only upon students who are insubordinate, disorderly, violent or severely disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. Suspensions will be used to the minimum degree necessary to improve student behavior and maximize student attendance in school.

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

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

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. The period of suspension will be determined by the building Principal at each school for up to five days, or by the Superintendent, if the referring Principal believes the suspension should be in excess of five days.

In some cases, the use of Restorative Practices or a Restorative Conference may be utilized to reduce the length of an out-of-school suspension. Early return is entirely at the discretion of the District.

### **a. 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 misconduct for five days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents, in writing, that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four 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.

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 the 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 30 calendar 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 30 calendar days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

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

When the Superintendent or building Principal determines that a suspension for more than five days may be warranted, the suspending authority 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 them, and the right to present witnesses and other evidence on their behalf. The Superintendent or Superintendent's designee shall personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained 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 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent and shall issue its decision within ten (10) days of receiving the appeal. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

d. Procedure after suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in a restorative program, counseling, or other specialized program. The Board retains full discretion in offering this opportunity. If and when the student, parent, and District designee agrees to this option, the terms and conditions will 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 reimposed.

**C. Minimum Periods of Suspension**

Minimum periods of suspension for students who bring a weapon to school

Any student 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 penalty, the Superintendent may consider the following:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The Superintendent's belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others.
- Other extenuating circumstances
- A student with a disability may be suspended only in accordance with the requirements of state and federal law

Minimum periods of suspension for students who commit violent acts other than bringing a weapon to school

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

Minimum periods of suspension for students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

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

**D. Disciplinary and Remedial Consequences for Bullying, Harassment, and/or Discrimination**

The District supports the development of balanced and age-appropriate responses to bullying, harassment, and/or discrimination of students on school property, including school functions, with remedies and procedures focusing on prevention, education, intervention, and discipline. Responses will be reasonably calculated to end the bullying, harassment, and/or discrimination, prevent recurrence, and eliminate the hostile environment. Successful intervention may involve remediation.

Remedial responses to bullying, harassment, and/or discrimination appropriately place the focus on discipline on discerning and correcting the reasons why bullying, harassment, and discrimination occur. These remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may included, but are not limited to:

- Restitution and restoration;
- Peer support groups, corrective instruction, or other relevant learning experiences;
- Supportive interventions;
- Behavioral assessment or evaluation;
- Behavioral management plans;
- Student counseling;
- Parent conferences.

**E. Referrals**

Counseling

The School Counseling (Guidance) Office shall handle all referrals of students to counseling.

PINS Referrals

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:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possessing a controlled substance.

Juvenile Delinquents and Juvenile Offenders

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

- Any student under the age of 16 who is found to have brought a weapon to school, or

- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42).

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

#### **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the District will take 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.

#### **X. Discipline of Students with Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violated the District's student Code, and/or to temporarily remove a student with disabilities who violate the district's student Code, and/or 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 enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them.

Therefore, the Board is committed to ensuring that the District follows suspension and removal procedures that are consistent with those protections. The Code for students is intended to afford students with disabilities the express rights they enjoy under applicable law and regulations.

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

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

1. The Board, the Superintendent, or a building Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
2. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
3. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

##### **B. 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 nondisabled 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 involves 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

**C. Limitations 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 suspension 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.

**D. 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 ten (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 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 of 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 they were removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled 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.

**E. 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 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.

3. 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.

**F. Expedited Due Process Hearings**

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

The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

**G. 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).

**XI. Corporal Punishment**

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

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

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

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

**XII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials; however school officials will tell all students why they are being questioned. School officials are not required to contact a student's parent before questioning the student; however all attempts will be made to notify the parents of any such concerns as soon as reasonably practical.

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 of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

#### B. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. The Board prohibits district staff from conducting strip searches of students. If under extraordinary circumstances where there is suspect of imminent harm to self or others, an authorized school official may conduct a strip search. This rare exception is only when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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

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

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.

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

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

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

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.

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.

#### D. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will 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 the 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.

### XIII. **Visitors to the School**

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 building Principal or the Principal's 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:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors must have an appointment to enter school grounds.
3. All visitors to the school must report to the security checkpoint upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the security check-point before leaving the building or school grounds.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to sign-in.
5. 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 Principal and classroom teacher(s).
6. Teachers are expected to not take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to meet the expectations for public conduct on school property contained in this "Code of Conduct."

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

The District is committed to providing an orderly, safe, supportive, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons on school property or attending a school function including but not limited to students, teachers, District personnel, and visitors. The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or

peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, marital status, sexual orientation, disability, military status, predisposing genetic characteristics or domestic violence victim status.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this Code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Violate rules and regulations on signage posted on school grounds.
- 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
- 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Remove students from a classroom or school premises without the permission of an administrator.
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### **B. Consequences**

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

- 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.
- Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- Staff members in the classified service of the civil service: They shall be entitled to the protection of Civil Service Law V75. 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.
- Staff members other than those described in subdivisions 4 and 5: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### **C. Enforcement**

The building Principal or his or her designee shall be responsible for enforcing the conduct required by this Code. When the building Principal or Principal's designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or Principal's designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or Principal's designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the

person's conduct poses an immediate threat of injury to persons or property, the principal or his or her 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 "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

#### XV. **Dissemination and Review**

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

- Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- Making copies of the Code available to all parents at the beginning of the school year.
- Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
- 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.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the 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 the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in- service programs pertaining to the management and discipline of students.

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

#### Legal

Dignity for All Students Act, Education Law, §10-18  
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 et seq.  
Executive Law §290 et seq. (New York State Human Rights Law)  
Education Law §§313 (3), 3201, 3201-a  
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Gebser v Lago Vista Independent School District, 524 U.S., 274 (1998)  
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)  
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)  
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)  
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)