

SHELTER ISLAND
UNION FREE SCHOOL DISTRICT

CODE OF CONDUCT

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5300.01 *INTRODUCTION*

The Board of Education of the Shelter Island School District is committed to providing a safe, supportive 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 are essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. As a district, we are built on the principles of reinforcing civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible 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 (“the Code”).

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

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

5300.02 STUDENT DISCIPLINE

The Board of Education believes that each student can reasonably be expected to be responsible for his/her own behavior. Ideally, discipline is self-directed and self-controlled. In order to ensure an orderly and supportive environment in which each person may live and learn to his/her full capabilities in harmony with others, the school, community and parents must share the responsibility for helping student develop self-discipline. When self-discipline fails or self-control falters, disciplinary forces outside the individual must be imposed to protect the rights of others.

The school administration will develop and disseminate rules of conduct, focusing on personal safety and respect for the rights of individuals and property of others, to be consistently applied in the classrooms and throughout the school environment. Students who fail to meet this expected degree of responsibility and violate school rules may be subject to appropriate disciplinary action and more regulated supervision.

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

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior. Pursuant to section 110.2 of the Commissioner's regulations, such action will be appropriate to the seriousness of the offense. Extreme penalties (e.g., a one-year suspension) will not be assigned without first reviewing the student's disciplinary records and considering the circumstances that lead to the improper behavior.

A. Early Identification and Resolution of Student Discipline Problems

Classroom teachers are in the best position to identify students who display behavior that characterizes them as discipline problems. The sooner corrective efforts can begin in the student's school life and/or the school year, the more effective they will be. Any unacceptable student behavior should be corrected as soon as possible. Annotated records of such behavior and the efforts to correct such behavior will be kept on file. Upon referral, the Superintendent/Principal or administrative designee will conduct an investigation of the reports, which may include conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as he or she deems appropriate for the early identification and resolution of the suspected problem. If

he/she suspects that the problem may be a manifestation of a disability, he or she will refer the matter to the Committee on Special Education in the manner prescribed by §200.4 of the Commissioner's Regulation and by district policy (below- Section B) and regulation (5313.3R).

The Superintendent will develop forms necessary for the implementation of this policy.

B. Discipline Policy for Students with Disabilities

Students with disabilities should not be disciplined if their inability to conform to the Code of Conduct is related to their disability. If there is a question as to whether a student's behavior is related to that condition, the case should be referred by the Superintendent/Principal to the Committee on Special Education (CSE). The CSE will decide if counseling or disciplinary action will be necessary and/or if a change of placement is appropriate.

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5300.05 *DEFINITIONS*

For purposes of this Code, the following definitions apply:

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

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

"Harassment" and "Bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. 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 means harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Electronic communication means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text

message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, Instagram and twitter.

Emotional harm in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

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 article 15 of the Executive Law 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.

Gender means actual or perceived sex and includes a person’s gender identity or expression.

Sexual Orientation means actual or perceived sexuality to include, but not limited to heterosexuality, homosexuality, or bisexuality.

IMPARTIAL Hearing Officer

- To be eligible for certification by the Commissioner of Education as an Impartial Hearing Officer (IHO) to conduct hearings (and listed on the *Rotational Selection List of IHOs* established by the State Education Department), an individual must:
 - be a certified IHO as of September 1, 2001; or beginning September 1, 2001, be a New York State attorney in good standing with a minimum of two years’ practice and/or experience in the areas of education, special education, disability rights or civil rights; or be independent and not an officer, employee or agent of the school district or of the board of cooperative educational services (BOCES) of which the school district is a component or an employee of the State Education Department; not have been employed by a school district, school or program serving students with disabilities placed there by a school district Committee on
 - Special Education (CSE) or an officer, employee or agent of a school district for two years following the termination of such employment;
 - have access to the support and equipment necessary to perform the duties of an IHO; and
 - successfully complete a State Education Department training program.

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

School official means school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator, and any other school personnel holding a teaching or administrative license or certification.

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

School function shall mean a school sponsored, extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state..

Violent student means an elementary or secondary student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so;
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so;
3. Possess', while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use any instrument that appears capable of causing physical injury or death;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Knowingly and intentionally damages or destroys school district property

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

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5300.10 *STUDENT RIGHTS AND RESPONSIBILITIES*

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of a penalty
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property
2. Be familiar with and abide by all district policies, rules and regulation dealing with student conduct
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn
4. Work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner
6. Work to develop mechanisms to control their anger
7. Ask questions when they do not understand
8. Seek help in solving problems that might lead to discipline
9. Dress appropriately for school and school functions
10. Use the language deemed appropriate and acceptable when addressing teachers, administrators, other school personnel, and peers
11. Accept responsibility for their actions
12. Exhibit conduct based on principals of civility, mutual respect, citizenship, good

- character, tolerance, honesty and integrity.
13. Conduct themselves in a manner that fosters an environment that is free from all forms of bullying, harassment and discrimination.
 14. 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
 15. Be forthcoming with information concerning violations of the Code including but not limited to any incidents of bullying, harassment or discrimination.

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5300.15 *ESSENTIAL PARTNERS*

A. Parents/Persons in Parental Relation

All parents/persons in parental relation are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of themselves and the school community
2. Ensure their children attend school regularly, on time and ready to participate and learn
3. Ensure absences are excused and provide documentation consistent with the Attendance Policy (Policy 7110)
4. Insist their children be dressed and groomed in a manner consistent with the Student Dress Code
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment
6. Know school rules and help their children understand them
7. Convey to their children a supportive attitude toward education and the district
8. Build good relationships with school staff, other parents and other children through a climate of mutual respect and dignity.
9. Help their children deal effectively with peer pressure.
10. Teach their children to respect themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
11. Inform school officials of changes in the home situation that may affect student conduct or performance
12. Provide a place for study and ensure homework assignments are completed.
13. Be forthcoming with information concerning violations of the Code

B. Teachers

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. All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn
2. Be prepared to teach
3. Demonstrate interest in teaching and concern for student achievement
4. Know school policies and rules, and enforce them in a fair and consistent manner
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
 - f. Acceptable electronic use
6. Communicate regularly with students, parents and other teachers concerning student growth and achievement
7. Be forthcoming with information concerning violations of the Code.
8. Address any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

C. Guidance Counselors, Psychologists, and Social Workers

All district Guidance Counselors, Psychologists, and Social Workers are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems
3. Regularly review with students their educational progress and career plans
4. Provide information to assist students with career planning
5. Encourage students to benefit from the curriculum and extra-curricular programs
6. Be forthcoming to administration with information concerning violations of the Code.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin,

- ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the counselor's, psychologist's and/or social worker's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Superintendent/Principal

The Superintendent/Principal is expected to:

1. Promote and maintain a safe, orderly, stimulating school environment, free from intimidations, bullying, discrimination and harassment, supporting active teaching and learning for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the Superintendent/Principal and approach the Superintendent/Principal for redress of grievances
3. Evaluate on a regular basis all instructional programs
4. Support the development of and student participation in appropriate extra-curricular activities
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly
6. Review the policies of the Board of Education and New York State
7. and federal laws relating to school operations and management
8. Inform the Board about educational trends relating to student discipline
9. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
10. Be forthcoming with information concerning violations of the Code.
11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-image and promote confidence to learn.
12. Follow-up on any incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the administrator's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

E. The Dignity Act Coordinator(s) (DAC)

The Dignity Act Coordinator(s) are expected to:

1. Promote and maintain a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or

- perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
 3. Identify curricular resources that support infusing civility in classroom instruction and classroom management, and provide guidance to staff as to how to access and implement those resources.
 4. Coordinate with the Professional Development Committee training in support of the Bullying Prevention Committee.
 5. Be responsible for monitoring and reporting on the effectiveness of the district's Dignity for All Student's Act Policy.
 6. Ensure that the issues of bullying, harassment and discrimination are addressed with students throughout the year and reported to administration in a timely manner.
 7. Address 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.
 8. Address personal bias that may prevent equal treatment of all students in the school or classroom setting.

F. Board of Education

All Board of Education members are expected to:

1. Promote a safe, supportive, orderly and stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. 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
3. 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
4. Conduct Board meetings in a professional, respectful, and courteous manner.
5. Be forthcoming with information concerning violations of the Code.

G. Support Staff and Other District Personnel

All Support Staff and Other District Personnel are expected to:

1. Be forthcoming with information concerning violations of the Code.
2. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin,

- ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-image and promote confidence to learn.
3. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Any school official is legally responsible, upon having reasonable cause to suspect child abuse or neglect, to report the suspected abuse or neglect by contacting New York State Child Protective Services (CPS) and any other appropriate human service agency. After making the report to CPS, the staff member must then inform the building principal. The Superintendent/Principal, or his/her designated agent, then becomes responsible for all subsequent administrative requirements necessitated by the oral report. Any report made to CPS will include the name, title, and contact information for all staff members who are believed to have direct knowledge of the allegations contained in the report.

The Social Services Law requires the initial report of suspected child abuse to be made either by telephone (1-800-635-1522) or facsimile machine. Within 48 hours of the initial oral report or fax report, the Superintendent/Principal or his/her designee must file a written report with the local office of the New York State Child Protective Services. The written report is filed on *Form LDSS-2221A*, copies of which can be obtained from the New York State Office of Children and Family Services Web site at www.ocfs.state.ny.us.

Any school official who makes a report of suspected child abuse in good faith is immune from civil and criminal liability for making the report.

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5300.20 *STUDENT DRESS CODE*

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

A student's dress, grooming and appearance, including jewelry, make-up, body art, and nails, shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely brief and/or sheer garments are not appropriate
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times
5. Not include the wearing of hats/visors/head-coverings anywhere in the school building except for medical or religious purposes
6. Not include items that are vulgar, obscene or libelous, or that denigrate or discriminate against others on account of actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, gender, sex, sexual orientation, or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities
8. Not wear dark glasses unless prescribed by a physician
9. Certain instructional areas, due to safety concerns, may have independent codes (i.e. shop, art, PE) and students are to be guided accordingly
10. The Superintendent/Principal will make the final decision about the violations of the dress code

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offensive item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline.

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5300.25 *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.

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 student's ability to grow in self-discipline.

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

Bullying as defined in the "Definitions" section of this Code of Conduct, Bullying can be physical, verbal or psychological. Examples of bullying include but are not limited to:

1. Hitting, kicking, spitting, pushing, taking personal belongings
2. Taunting, malicious teasing, name calling, making threats
3. Spreading rumors, manipulating social relationships, engaging in social exclusion
4. Cyber-bullying

B. Engage in conduct that is disorderly

Examples of disorderly conduct include but are not limited to:

1. Running in hallways
2. Making unreasonable noise
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Cursing or swearing, use of profanity, orally, in writing or on the Internet including hand held devices
5. Obstructing vehicular or pedestrian traffic
6. Engaging in any act, which disrupts the normal operation of the school community
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy
8. Loss or destruction of district property or resources
9. Littering
10. Loitering
11. Misuse of hall pass
12. Pushing, shoving, name calling
13. Fighting
14. Inappropriate display of affection
15. Trespassing
16. Leaving school grounds without permission

C. Engage in conduct that is insubordinate or disruptive

Examples of insubordinate or disruptive conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teacher, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect
2. Missing or leaving school without permission
3. Skipping detention
4. Lateness to class or school
5. Cutting class
6. Unauthorized use of all electronic devices during class or on school premises
7. Using any type of recording device in any manner that interferes with or is disruptive of the education process or invades the privacy of students, staff volunteers or visitors
8. Forging the signature of a teacher, parent, guardian, custodian or any other person
9. Attending school or school sponsored event under the influence of alcohol or drugs
10. Failure to follow directions during an emergency
11. Truancy
12. Violation of Dress Code

13. Expression of drugs, alcohol use, violence, sex, bias remarks in writing, on paper, shirts, hats, etc.
14. Disruptive behavior on school bus, cafeteria, recess, and hallways
15. Pranks on staff members
16. Engaging in conduct that may endanger the health or safety of students/staff within the educational system or which disrupts the educational process

D. Engage in conduct that is violent

The School District is committed to the prevention of violence against any individual on school property at school activities whether such acts and/or threats of violence are made by students, staff or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, by email or by text message or any other electronic means shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the Code of Conduct for the Maintenance of Order on School Property and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students, visitors and/or the school environment. Employees, students, agents and invitees shall refrain from engaging in threats of physical actions which create a safety hazard for others.

All staff who are made aware of physical acts/or threats of violence directed to students or staff are to report such incidents to the administration. Additionally, the Building Principal/designee will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and or Academic Administrator. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent/designee.

Students are to report all acts of violence, including threats of suicide, of which they are aware by reporting such incidents to a faculty member or the Superintendent/Principal or their designee.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as, but not limited to, hitting, kicking, punching, and/or scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as but not limited to hitting, kicking, punching, and/or scratching) upon another student or any other person lawfully on school property or attempting to do so
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
4. Displaying what appears to be a weapon
5. Threatening to use any weapon
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property
7. Intentionally damaging or destroying school district property
8. Acts of damage may include graffiti, arson and vandalism
9. Possession of firearms/laser light pens/weapons/fireworks
10. Use of fireworks/explosive devices
11. Causing injury to a student or staff member
12. Assault and/or threatening a staff member, student or other individual lawfully on school district property

E. Engage in any conduct that endangers the safety, morals, health, or welfare of others

Examples of such conduct include but are not limited to:

1. Lying to school personnel
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function
3. Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them
4. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability as a basis for treating another in a negative manner
5. Harassment/bullying as defined in the "Definitions" section of this Code of Conduct,
6. Cyberbullying as defined in the Definitions section of this Code of Conduct
7. Intimidation and/or threatening behavior, which includes engaging in actions or making statements that put an individual in fear
8. Hazing, which includes an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

9. Selling, using, distributing or possessing obscene material
10. Using vulgar or abusive language, cursing or swearing
11. Smoking a cigarette, e-cigarette, cigar, pipe or using chewing or smokeless tobacco
12. Possession of tobacco/cigarettes/e-cigarettes
13. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages, illegal or controlled substances, or being under the influence of either {Illegal substances include, but are not limited to, inhalants, marijuana, synthetic cannabinoids (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as designer drugs}
14. Possession of drug paraphernalia
15. Inappropriately using or sharing prescription and over-the-counter drugs
16. Gambling
17. Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner
18. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher or tampering with a fire alarm, smoke detector or AED.
19. Participating in or association with gangs or gang related activities
20. Bomb threats
21. Endangering the safety of others through spitting, or other health violations
22. Infringement on an individual's civil rights
23. Engage in unlawful conduct on or off school grounds

F. Engage in misconduct while on a school bus

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

G. Engage in any form of academic misconduct

Examples of academic misconduct include but are not limited to:

1. Plagiarism
2. Cheating
3. Copying
4. Altering records
5. Using an unauthorized help sheet or electronic device
6. Illegally obtaining tests in advance
7. Substituting for a test taker and other forms of collusion
8. Assisting another student in any of the above actions

H. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or interferes with or can reasonably be expected to substantially disrupt the educational process in school or at a school function.

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

- A. Cyberbullying as defined in the “Definitions” section of the Code of Conduct;
- B. Threatening or harassing students or school personnel over the phone, internet or other electronic medium.

5300.26 HAZING, BULLYING, HARASSMENT AND/OR DISCRIMINATION OF
STUDENTS

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing, bullying, harassment or discrimination. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victims(s) shall be made to ensure the behavior has not resumed and that all those involved in the investigation of allegations of hazing, bullying, harassment or discrimination have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

Even if the victim of the hazing, bullying, harassment or discrimination participated “willingly” in the activity, or there was no “intent” by the perpetrator to harm or injure another individual, these acts are still against the District Code of Conduct and may be in violation of New York State Law.

Knowingly Makes False Accusations

Students who *knowingly* make false accusations against another individual as to allegations of hazing, bullying, harassment and discrimination may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing, bullying, harassing and discriminatory behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such behavior to their immediate supervisor.

Prevention and intervention techniques within the District to help prevent such behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by the administration. Individual intervention will be provided by appropriate staff member to perpetrators, victims and their parents to help ensure that the prohibited activity stops.

Rules against hazing, bullying, harassment and discrimination shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

Disciplinary sanctions for violation of this policy will be outlined in student handbooks. In addition, allegations of such behavior may result in referral to law enforcement officials as necessary.

Education Law Sections 1709-a, 2503-a, 2554-a and 2801
Penal Law Sections 120.16 and 120.17
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

CODE OF CONDUCT

5300.30 *REPORTING VIOLATIONS*

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building Principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall immediately report this information to a teacher, or to the Superintendent/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 that 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. Such action will be followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Superintendent/Principal or his/her designee must notify the appropriate local law enforcement agency of Code violations, including but not limited to incidents of harassment, bullying, and/or discrimination, which may 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 Superintendent/Principal or his/her designee learns of the violation. The Superintendent/Principal will notify the local law enforcement agency, and /or any other appropriate agency, by telephone, memorialize the contact in writing, and follow up with any information such agency requests. The notification to parents of student may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed or discriminated against, parents whose children have been bullied, harassed or discriminated against, or other students or staff who observe bullying, harassing or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable district policies. (Refer to BOE Policy 7550, Dignity for All Students Act Policy; BOE Policy 8130, Equal Opportunity; and BOE Policy 7551, Sexual Harassment).

Names and contact information of the **District Dignity Act Coordinators**

Brian Doelger	PK-12 Building	631-749-0302
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Todd Gulluscio	PK-12 Building	631-749-0302
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This information shall also be posted on the District's web site and included in the plain language summaries of the Code of Conduct provided to parents and students and shall be further disseminated in accordance with applicable law and regulations.

CODE OF CONDUCT

5300.35 *DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS*

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

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

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

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

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

A. Penalties

Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty is authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Superintendent/Principal
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Superintendent/Principal
4. Detention - teachers, Superintendent or designee
Suspension from transportation - Superintendent or designee.
5. Suspension from athletic participation - coaches, Superintendent or designee
from social or extra-curricular activities - activity director, Superintendent or designee
6. Suspension of other privileges - Superintendent or designee
7. In-school suspension - Superintendent or designee
8. Removal from a classroom by teacher - teachers, Superintendent or designee
9. Short-term (five days or less) suspension from school Superintendent or designee
10. Long-term (more than five days) suspension from school - Superintendent or designee
11. Permanent suspension from school - Superintendent or designee. Pending a Superintendent's Hearing

A Discipline Form will be completed by any member of the staff listed above and turned into the Director of Athletic, Physical Education, Health, Wellness & Personnel.

B. Procedures

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

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

1. **Detention**

Teachers, and the Superintendent/Principal may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention may be assigned as a consequence for misconduct. The student's parent will be notified of the detention by the Detention Coordinator. If the parent objects to the assigned detention, they may conference with the Superintendent or designee and/or referring person. A teacher is required to make parental contact after completing a Discipline Form to explain follow up on the incident.

2. **Suspension from Transportation**

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to ensure their safety, the safety of other passengers, and the fewest possible distractions for the bus driver.

Some students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parent(s) or guardian(s) of the responsibility for supervision until such time as that child boards the bus in the morning and after the child leaves the bus at the end of the school day. Only after a child boards the bus does the child become the responsibility of the district. Such responsibility shall end when the child is delivered to the designated destination at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, students are required to conduct themselves on the bus in a manner consistent with established student rules for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a student does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the Superintendent by the bus driver.

Students who become a serious disciplinary problem may have their riding privileges suspended by the Superintendent. In such cases, the parent(s) or guardian(s) of the children involved become responsible for seeing that the children get to and from school safely. Any such suspension shall be in accordance with the provisions of the Education Law.

Should suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subject to a suspension from transportation is not entitled to a full hearing pursuant to Education Law§ 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Superintendent/Principal to discuss the conduct and the penalty involved.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change of placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

3. 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 the Superintendent/Principal 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§ 3214. However, the student and the student's parent will be provided a reasonable opportunity for an informal conference with the Superintendent/Principal to discuss the conduct and the penalty involved.

4. 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. Good classroom management techniques should be utilized prior to removing a student from the classroom.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the education 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 behavioral rules. A classroom teacher may remove a disruptive student from class for up to two days. This removal from the classroom refers to this classroom period only.

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

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

The teacher must complete a district-established disciplinary removal form and meet with the Superintendent/Principal by the end of the school day to explain the circumstances of the removal and to present the removal form. If the Superintendent/Principal is not available by the end of the same school day, the teacher must submit the form with the secretary and meet with the Superintendent/Principal at the immediate beginning of the next school day.

Within 24 hours after the student's removal, the Superintendent must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Superintendent to discuss the reason or 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, with 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Superintendent/Principal may require the teacher who initiated the removal to attend the informal meeting.

If at the informal meeting the student denies the charges, the Superintendent/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 Superintendent/Principal.

The Superintendent/Principal may overturn the removal of the student from class if the Superintendent/Principal finds any one of the following:

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

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

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

Each teacher, as well as Superintendent/Principal or designee must keep a complete log (on a district provided form) for all cases of removal of students from his/her class.

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

5. Suspension from School

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

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

All staff members must immediately report and refer a violent student to the Superintendent/Principal 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/Principal upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the Superintendent/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 provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority must provide an explanation for the proposed suspension. The suspending authority must also notify the student’s parent(s) 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 reasonable calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent(s). 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 parent(s).

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent(s) of the right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law § 3214(3)(b). Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s). At the conference, the parent(s) shall be permitted to ask questions of the complaining witnesses.

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 feasible.

B. Long term (more than five days) Suspension from School

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

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendation 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 of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the District Clerk within 30 business days of the date of the decision of the Superintendent, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education may adopt in whole or in part the decision of

the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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.

6. Minimum Periods of Suspension

A. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property or possessing a weapon on 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/Principal has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent/Principal may consider the following:

1. The student's age
2. The student's grade in school
3. The student's prior disciplinary record
4. The Superintendent/Principal's belief that other forms of discipline may be more effective
5. Input from parent(s), teachers and/or others
6. Other extenuating circumstances

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

B. Students who commit other violent acts

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 parent(s) 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 parent(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent/Principal 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/Principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

C. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfering 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 at least five days, provided the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the Superintendent/Principal/Assistant Superintendent has the authority to modify the suspension. 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 the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent/Principal 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 measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by 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 harassment, bullying 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 of 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** include, but are not limited to:

- Restitution and restoration;
- Peer support groups; corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling; parent conferences.

Beyond these individual-focused remedial responses, school-wide remediation can be an important tool to prevent bullying, harassment and discrimination. Remediation may include, but is not limited to:

- Review of camera tapes to validate incidents when available;
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Staff professional development;
- Parent conferences;
- Involvement of parent-teacher organizations;
- Or peer support groups.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

E. Referrals

1. Counseling

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

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses any controlled substance in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

CODE OF CONDUCT

5300.40 *ALTERNATIVE INSTRUCTION*

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

CODE OF CONDUCT

5300.45 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities may ascertain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining student with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

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

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

An **IAES** means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the

time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. *School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:*
 - A. The Board, the District Superintendent (BOCES), Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - B. The Superintendent/Principal 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/Principal determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - C. The Superintendent/Principal may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - D. The Superintendent/Principal may order the placement of a student with a disability in an IAES to be 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 has inflicted serious bodily injury upon another person, carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. **Weapon** means the same as **dangerous weapon** under 18 U.S.C. § 930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.
2. **Controlled substance** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and New York state law and regulations applicable to this policy.
3. **Illegal drugs** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

B. Change of Placement Rule

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

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

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

1. The District's Committee on Special Education shall:

- A. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances or the student has inflicted serious bodily injury upon another person.

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

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

- B. Conduct a Manifestation Determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or the student has inflicted serious bodily injury upon another person or because maintaining the student in his current educational setting possess a risk of harm to the student or other students.
- C. Or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

- 2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and New York state law and regulations if, in accordance with federal and New York state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.*

- A. The Superintendent/Principal imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- B. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1. Conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

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

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

D. Expedited Due Process Hearings

1. *An expedited due process hearing shall be conducted in the manner specified by the commissioner's regulations incorporated into this Code, if:*
 - A. *The district request such a hearing to obtain an order for an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.*
 - B. *The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.*
 1. *During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.*

2. If school personnel propose to change the student's placement, 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.
3. The District will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in the Commissioner's Regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing a hearing within the timelines specified in those regulations.

E. Referral to law enforcement and judicial authorities

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

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

CODE OF CONDUCT

5300.50 *CORPORAL PUNISHMENT*

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

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

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

The Superintendent/Principal will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations on an annual basis.

The Superintendent/Principal will maintain documentation on the use of emergency interventions for each student including:

- A) Name and date of birth of student;
- B) Setting and location of the incident;
- C) Name of staff or other persons involved;
- D) Description of the incident and emergency intervention used, including duration;
- E) A statement as to whether the student has a current behavioral intervention plan; and
- F) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by the Superintendent/Principal or other personnel designated to do so.

CODE OF CONDUCT

5300.55 *STUDENTS 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, the Superintendent/Principal and/or their administrative designee is authorized to impose a disciplinary penalty on a student and may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent(s) before questioning the student. A school official will explain to the student(s) reasons why they are being questioned.

In addition, the Board of Education authorizes the Superintendent of Schools, and/or their administrative designee to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

A Superintendent/Principal and/or their administrative designee may conduct a search of a student’s belonging 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.

A Superintendent/Principal and/or their administrative designee 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 student’s belongings, the authorized Superintendent/Principal and/or their administrative designee 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.

Privacy Rights

As part of any investigation, the District has the right to search all property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these and should not expect that materials stored therein will be private.

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belonging 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. If an authorized Superintendent/Principal and/or their administrative designee believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by a Superintendent/Principal and/or their administrative designee of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

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

Superintendent/Principal and/or their administrative designee will attempt to notify the student's parent(s) by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

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

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

The Superintendent/Principal shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Superintendent/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 Superintendent/Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

The Superintendent/Principal and/or their administrative designee 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 school or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the Superintendent/Principal or his or her designee shall first try to notify the student's parent(s) to give the parent(s) the opportunity to be present during the police questioning or search, or the questioning or search shall not be conducted. The Superintendent/Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or mistreated, the district will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Superintendent/Principal or his or her designee. The Superintendent/Principal or designee shall set the time and place of the interview. The Superintendent/Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

CODE OF CONDUCT ON SCHOOL PROPERTY

5300.56 COMMUNITY RELATIONS

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The Code of Conduct has been adopted by the Board of Education only after at least one public hearing that provided for the participation of school personnel, parents/persons in parental relation, student, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

Education Law Sections 2801

8 New York Code of Rules and Regulations (NYCRR)
Section 100.2(1)(2)

CODE OF CONDUCT

5300.60 VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the lobby of the school. There they will be required to check-in with the monitor, leave a form of ID at the desk 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 lobby before leaving the building. All visitors must be escorted to and from their meeting location.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum. The administration must be made aware of the visit and the purpose of the visit by the classroom teacher or support staff.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Superintendent/Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

CODE OF CONDUCT

5300.65 *PUBLIC CONDUCT ON SCHOOL PROPERTY*

The district is committed to providing an orderly, and 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 a school function. For purposes of this section of the Code, **public** shall mean all persons on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assemble. The district recognizes that free inquiry and free expression are 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:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti, arson and vandalism.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, discriminatory, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, 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.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic law, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Violate any provision of the District's Code of Conduct or willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

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

or dismissal as the facts may warrant in accordance with any legal rights that they may have.

C. Enforcement

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

When the Superintendent/Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat or injury to person or property, the Superintendent/Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Superintendent/Principal or designee shall also warn the individual of the consequences of 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 Superintendent/Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

CODE OF CONDUCT

5300.70 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain-language, at a school assembly to be held at the beginning of each school year.
2. Posting a complete copy of the Code of Conduct, including any annual updates and any other amendments thereto, on the District's website.
3. Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of each school year and making this summary available later upon request.
4. Providing all teachers and other staff members with a complete copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption.
5. Providing all new employees with a complete copy of the current Code of Conduct when they are first hired.
6. Making complete copies of the Code of Conduct available for review by students, parents or other persons in parental relation to students, other school staff 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 school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the District's professional development plan, as needed.

B. Review of Code of Conduct

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

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

Before adopting any revisions to the Code, the Board will hold at least one (1) public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline will be conducted.

DISCIPLINE PLAN APPLICATION OF RULES

The Discipline Plan is designed to assist students in making good decisions. While our goal is for every student to engage, explore and be empowered, it is also important for our students to display good citizenship and character. However, there may be a time when poor decisions are made. For those times, the following Infraction Policy will be administered to help the student recognize the poor decision and to accept the responsibility of the consequences for that poor decision. See Code of Conduct for further details.

LEVEL 1 INFRACTION

- Classroom disruption, study hall, hallway or bus disturbance
- Unauthorized classroom lateness
- Inappropriate display of affection
- Other offenses of minor nature

Consequences (including, but not limited to):

- Warning to student
- Parent notification
- Copy kept on file

LEVEL 2 INFRACTION

- Repeat of Level 1 Infraction
- Cutting Class
- Disrespect to teacher, staff, other student or other adult
- Profanity/vulgarity
- Minor vandalism
- Unauthorized possession/use of electronic device during school day
- Inappropriate dress according to Code of Conduct
- Destruction of school materials
- Other offenses of a more major nature

Consequences (including, but not limited to):

- 1 hour detention for one day
- In School Suspension for a half (3.5 hours) or full day (6.5 hours)
- Loss of all activities including sports on the day of detention or In School Suspension (clubs, sports, practice, spectator)
- Student must leave school grounds immediately following detention
- Electronic device will be confiscated. First offense, student will retrieve device from an Administrator after school. Second offense, parent will need to retrieve from an Administrator
- Parent notification/Parent Conference

- Other offenses will be handled by the Administration in a manner that is consistent with the basic discipline philosophy of the Shelter Island School District
- Administration reserves the right to amend or adjust minimum consequences based on frequency or severity of behaviors
- Copy kept on file

LEVEL 3 INFRACTION

- Repeat of Level 2 Infraction
- Fighting
- Bullying (Cyber-bullying)
- Harassment
- Discrimination
- Possession, use or sale of alcohol/drugs/tobacco products/illegal or controlled substances
- Possession of drug paraphernalia
- Possession of firearms, laser light pens/weapons/fireworks
- Stealing (petty larceny) or accessory to theft
- Unauthorized leaving of campus
- Major vandalism
- Arson
- Assault/Threat of assault: placing yourself or anyone else in any kind of physical danger
- Violation of other criminal laws at school or school activities
- Profanity/vulgarity directed at a teacher, staff, administration, other student or other adult
- Other serious problems

Consequences (including, but not limited to):

- Two - 1 hour detentions , which may include a written assignment
- One skipped detention – detention is doubled and rescheduled
- Two skipped detentions – mandatory parent conference
- Parents and students will be notified of the detention time and date by the detention coordinator.
- Student must leave school grounds immediately following detention
- In School Suspension for a half (3.5 hours) or full day (6.5 hours)
- Out of School Suspension
- Out of School Suspension Disciplinary Hearing
- Loss of all activities including sports on the day of detention, In School Suspension, or Out of School Suspension (clubs, sports, practice, spectator)
- Electronic device will be confiscated. First offense, student will retrieve device from Superintendent after school. Second offense, parent will need to retrieve from Superintendent
- Parent notification/Parent Conference

- The Superintendent/Principal will at his/her discretion apply disciplinary consequences to these infractions
- Discipline is progressive and discipline documents will become part of student records
- Students making poor decisions that lead to a third Level 3 infraction during the year or more than two infractions at any level during one quarter, may be ineligible for non-curricular based class trips or activities
- Copy kept on file

ALL SUBSEQUENT INFRACTIONS

- After the second Level 3 Infraction - four(4) hours of detention will be assigned for each Level 3 Infraction
- Loss of all activities including sports on the day of detention or In School Suspension (clubs, sports, practice, spectator)
- Student must leave school grounds immediately following detention
- Possible loss of participation in special events, field trips, and class trips after the third Level 3 Infraction
- Parent notification/Parent conference
- Copy kept on file

**SHELTER ISLAND PUBLIC SCHOOL
DISCIPLINARY REFERRAL FORM
GRADES PK-5**

Student: _____ Class/Grade: _____
Date: _____ Time: _____
Faculty/Staff Name: _____

Description of incident: _____

Action Taken Prior to This Notice: _____

For Administration Use Only:

Infraction 1 Infraction 2 Infraction 3

Consequence: _____

Signature: _____

Parent Notification

Date: _____ Time: _____
Parent Spoken To: _____
or Message on Machine Yes No

Discipline Form System

1. The faculty/staff member will fill out the form and submit it to Mr. Gulluscio's office and will contact parents within 24 hours to have a follow up conversation about the incident and behavioral expectations in the classroom.
2. The referral form will be processed.
3. Parents/guardians and students will be notified of the consequence.
4. A copy of the processed referral form will be returned to the teacher.

**SHELTER ISLAND PUBLIC SCHOOL
DISCIPLINARY REFERRAL FORM
GRADES 6-12**

Student: _____ Class: _____
Date: _____ Time: _____
Faculty/Staff Name: _____

Description of incident: _____

Action Taken Prior to This Notice: _____

For Administration Use Only:

Infraction 1 Infraction 2 Infraction 3

Consequence: _____

Signature: _____

Parent Notification

Date: _____ Time: _____

Parent Spoken To: _____

or Message on Machine Yes No

Discipline Form System

1. The faculty/staff member will fill out the form and submit it to Mr. Gulluscio's office and contact the parents/guardians within 24 hours to have a follow up conversation about the incident and behavioral expectations in the classroom.
2. The referral form will be processed.
3. Parents/guardians and students will be notified of the consequence.
4. A copy of the processed referral form will be returned to the teacher.
5. One (1) skipped detention – detention is doubled and rescheduled.
Two (2) skipped detentions – Mandatory Parent Conference.

