



DISTRICT

CODE OF CONDUCT

Adopted –

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CODE OF CONDUCT

I. Introduction

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

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. No student shall be subjected to harassment by district staff or students on school property or at school functions; nor shall any student be subjected to discrimination by district staff or students on school property or at school functions based upon his/her actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function, which includes but is not limited to remote instruction, digital instruction, tele-therapy, tele-interventions by school staff or school retained service providers. Students may face disciplinary consequences for inappropriate behavior or misconduct on school property, at or during school functions, or that occurs off of school property/grounds, if the behavior or misconduct endangers the health and safety of students or staff within the educational system or creates, or would foreseeably create, a risk of a substantial disruption to the educative process.

II. Definitions

Each year our District is required to report incidents in certain categories to the New York State Education Department. The definitions used in this Code of Conduct are provided through the New York State Center for School Safety and/or Education Law/Regulation. For purposes of this Code, the following definitions apply:

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

“Bullying” is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.

“Cyberbullying” is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.(See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii)).

“Discrimination” not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

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

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

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

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

"Violent student" means a student under the age of 21 who commits an act of violence upon a school employee; 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; possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death; displays, while on school property or at a school function, what appears to be a weapon; threatens, while on school property or at a school function, to use a weapon; knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; knowingly and intentionally damages or destroys school district property.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions that 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 the context of employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the individual from performing in a reasonable manner the activities involved in the job or occupation sought or held.

“Student with a disability” means a student who, because of mental, physical or emotional reasons, can only receive appropriate educational opportunities from a program of special education. This phrase does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

“Employee and/or School personnel and/or District staff” means any person receiving compensation from the Eastchester Union Free School District, or employee of a contracted service provider, or worker placed within the school under a public assistance employment program, for the provision of educational or related services to Eastchester Union Free School District, its students or staff (e.g. bus company employees and consultants).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

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

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

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

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

“School bus” means every motor vehicle owned and operated by the Eastchester Union Free School District for the transportation of students, children of students, teachers, and other persons acting in a supervisory capacity and a motor vehicle privately owned and operated for compensation for transportation of students, children of students, teachers, and other persons acting in a supervisory capacity to or from school or school functions.

"Weapon" means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also means any other gun (or any other weapon, including but not limited to BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, slingshot, metal knuckles knife, box cutter, can 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 or intended to cause physical injury or death.

“[Protective hairstyles](#)” includes, but is not limited to, such hairstyles as braids, locks, and twists.

“Race” includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

III. Student Rights and Responsibilities

A. Student Rights:

The Eastchester Union Free School District is committed to safeguarding the rights given to all students under state and federal law. We believe that each student in our district has the right to receive a free and appropriate public education. All students in New York State between the ages of six and the school year through which they become 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education. The right to a free and appropriate public education extends to all students, including those with disabilities; and students who have been determined to be Multiple Language Learners are entitled to bilingual education or English as a Second Language program as provided by law. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction during the period of suspension. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability, age, economic status, or marital status;
2. To be respected as an individual and treated fairly and with dignity by other students and school staff;
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner;
4. Present their version of the relevant events to school personnel authorized to impose consequences;
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel;
6. To be provided with clear expectations regarding:
 - a. Course objectives, requirements and state standards;
 - b. Grading criteria and procedures;
 - c. Assignment requirements and deadlines; and
 - d. School and classroom rules and expectations regarding behavior
7. File a Dignity for All Students Act (DASA) complaint, to the DASA Coordinators in the respective building, and to know the status of their complaint.
 - a. EHS Coordinator - Joe Gilson, Assistant Principal
 - b. EMS Coordinator - Ryan Carroll, Assistant Principal
 - c. Anne Hutchinson Coordinator - Eleni Parisi, Assistant Principal
 - d. Greenvale Coordinator - Diana Nikaj, Assistant Principal
 - e. Waverly Coordinator - Dana Damiano, Assistant Principal

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. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.

7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. To be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
16. Accept restorative-based consequences and interventions with good will including restorative school discipline practices—also called positive discipline, responsive classroom, or empowerment—focus on fostering a sense of community within classrooms to prevent conflict, and on reacting to misconduct by encouraging students to accept responsibility and rebuild relationships.

IV. Expectations of Essential Partners

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

We will abide by the three assumptions for all essential partners:

1. We are all well-intentioned, good people who want to see all children succeed in school.
2. We attempt to collaboratively find answers to the many complex questions in a multiracial, multi-ethnic, multicultural society.
3. We agree to enter into conversations about difficult topics with an open mind.

Those responsibilities include but are not limited to the following:

A. Parents/Guardians:

All parents/Guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their child(ren) to school ready to participate and learn.
3. Ensure their child(ren) attend(s) school regularly and on time.
4. Ensure absences are excused.

5. Ensure their child(ren) be dressed and groomed in a manner consistent with the student dress code as described in Section V.
6. Help their child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their child(ren) understand them so that their children can help create a safe, respectful, supportive school environment.
8. Convey to their child(ren) a supportive attitude towards education and the District.
9. Build positive, constructive relationships with teachers, other parents and their child(ren)'s friends.
10. Help their child(ren) deal effectively with peer pressure.
11. Tell school officials about any concerns or complaints in a respectful and timely manner.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Discuss with their child(ren) the importance of mutual respect and dignity for their peers regardless of actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

B. Employees:

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

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, height, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex that will strengthen students' self-concept and promote confidence to learn.
2. Contribute to the wellbeing and overall mission of the school.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Maintain confidentiality in conformity with federal and state law.
5. Uphold one's expected duties per their agreed upon contract.
6. Communicate regularly with students, parents, administrators and other school personnel concerning growth and achievement.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.

8. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, district staff, 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. Intervene and report incidents of discrimination and harassment that are witnessed by the teacher, or otherwise brought to a teacher's attention, in a timely manner.
11. Maintain confidentiality in accordance with federal and state law.
12. Participate in school-wide efforts to provide adequate supervision in all school spaces.
13. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
14. Address personal biases that may prevent equal treatment of all students.
15. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
16. Be familiar with the code of conduct.
17. Help children understand the district's expectations for maintaining a safe, orderly environment.
18. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
19. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

C. Superintendent:

1. Work with district administrators in encouraging a positive school climate, enforcing the code of conduct and ensuring that all cases are resolved promptly and equitably.
2. Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

D. Board of Education:

1. 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.

V. Dignity for All Students

New York State's Dignity for All Students Act (The Dignity Act) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.

The Dignity Act was signed into law on September 13, 2010 and took effect on July 1, 2012. Amendments to the act are effective as of July 1, 2013.

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by school employees or other students on school property and at school functions that take place at locations off school property.

A. Bias-Related Terms

1. Biased-related conduct: behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
2. Race: the groups to which individuals belong, identify with, or belong in the eyes of the community. This includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks, and twists. (Education Law §11[9] and [10]).
3. Ethnic Group (Ethnicity): an affiliation with a particular group, country, or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.
4. National origin: is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.
5. Color: complexion tint or skin pigmentation. Color discrimination can occur within the same racial or ethnic group.
6. Religion: religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
7. Religious Practices: religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
8. 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 a record of such an impairment or (b) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).

9. Gender: means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).(6)

10. Sexual Orientation: means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

11. Sex: is the biological and physiological characteristics that define men and women.

12. Other: can include, but is not limited to, physical characteristics, age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action. Dignity Act Coordinator In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that 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 (including gender identity or expression), and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the Code of Conduct, with updates posted on the District's website; and
- b) Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students at the beginning of each school year; and
- c) Providing it to all parents or persons in parental relation to students in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and

- e) Making it available at the District and school-level administrative offices.

If a DAC vacates their position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform their duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

B. Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide, and disseminated to all staff and all parents or persons in parental relation to students. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption.

C. Reports and Investigations of Harassment, Bullying, or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee. The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in

investigating, responding to, and remedying complaints. In the event any investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed. The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct. The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner. Prohibition of Retaliatory Behavior (Whistle-Blower Protection) Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from 29 making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

D. Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation to students will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy and all procedures and forms for how students, parents or persons in parental relation to students, and school employees may report harassment, bullying, or discrimination on its website at all times. Application Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

E. The Dignity Act Coordinator(s)

The Board of Education shall appoint District Coordinators and Building Level Coordinators on an annual basis and as changes occur throughout the school year. The names of the Dignity for all Students Act Building Level Coordinators will be available on the District web site (<https://www.eufsdk12.org/>) or by contacting a District Coordinator or any school office.

The Dignity Act Coordinator(s) are as follows:

- a. Waverly - Dana Damiano (ddamiano@eufsdk12.org)
- b. AnneHutchinson - Eleni Parisi (eparisi@eufsdk12.org)
- c. Greenvale - Diana Nikaj (dnikaj@eufsdk12.org)
- d. Middle School - Ryan Carroll (rcarroll@eufsdk12.org)
- e. High School - Joseph Gilson (jgilson@eufsdk12.org) and Erin Glindmyer (eglindmyer@eufsdk12.org).

Their duties are as follows:

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

The District Coordinator is:

- Ms. Jill A. Post, Assistant Superintendent for Pupil Personnel Services
580 White Plains Rd, Eastchester, NY 10709.
(914) 793-6130 x4241
jpost@eufsdk12.org

F. Board of Education:

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

(including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.
5. 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.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

VI. Student Dress Code

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

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

1. Be unlikely to injure people or damage property, appropriate according to this code, and not substantially disrupt or materially interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear is covered by outer clothing (visible waistbands and straps are not violations).
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not cover the student's face to the extent the student is not identifiable, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate, harass, or discriminate against others on account of race (including traits historically

associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, religion, religious practice, disability, creed, national origin, ethnic group, gender (including gender identity and expression), sex, sexual orientation or disability.

7. Not promote and/or endorse the use of alcohol, tobacco or controlled substances or illegal drugs and/or encourage other illegal or violent activities.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

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

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and to minimize loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students privately, determine if there are factors impacting the student's ability to meet the dress code, and help address these issues.

Whether or not a student's attire is appropriate or not is ultimately within the discretion of the administration in accordance with the Eastchester Union Free School District's Code of Conduct. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so may be subjected to disciplinary consequences.

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

VII. 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.

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

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

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

Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the district's acceptable use policy.
8. Creating or maintaining a social media site that creates a disruptive school or social presence and promoting behaviors that are against the Code of Conduct.
9. Using cell phones or electronic devices that may be disruptive in school. Any person using any electronic device in school to take pictures or record voices or images without the express prior permission from an administrator or faculty member is prohibited.

Engage in conduct that is insubordinate and disruptive. Examples of insubordinate and disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Unexcused lateness and missing or leaving school without legal permission.
3. Skipping detention.
4. Failing to comply with the provisions of the Code of Conduct

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally defacing, damaging or destroying school district property.
8. Propelling, such as but not limited to throwing or kicking, an object that has the potential of harming another individual or damaging property.
9. Threatening, harassing, bullying, or intimidating another person, verbally, in writing, or through electronic devices. This includes cyberbullying or sexting.
10. Using any means of electronic communication to convey threats or derogatory comments or to post pornographic and other unauthorized photographs, images or videos of other students or school personnel.
11. Possessing fireworks or incendiary devices.
12. Possessing any chemical or biological agent or reasonable facsimile, intended or used to cause injury, alarm or disruption.
13. Video taping or posting to social media behaviors that are prohibited by the Code Of Conduct and that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function.
14. Posting of threats to the school, staff, and community.

Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

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 or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, height, weight, creed, national origin, ethnic group, religion, religious practice, gender(identity or expression), sex, sexual orientation, or disability as a basis for treating another in a negative manner.

5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm. This includes threatening verbally, in writing, or through the Internet to commit a violent act.
7. Discrimination and harassment against any student by employees or students on school property or at a social function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.
8. Engaging in off-campus misconduct that endangers the health and safety of students or staff within the school or substantially disrupts the educational process; including but not limited to: cyber-bullying (i.e., inflicting willful and repeated harm through the use of electronic text) and using message boards to convey threats, derogatory comments, or post inappropriate content.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Selling, using or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Smoking a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
13. Inappropriately using or sharing prescriptions and over-the-counter drugs.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Possessing, using, selling, or distributing electronic cigarettes, vaping devices, or associated paraphernalia (including, but not limited to, cartridges/capsules/pods).
17. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, cannabis (including marijuana, hashish and hash oil), cannabis/marijuana derivatives (including cannabis oil and/or wax, marijuana oil and/or wax), and electronic cigarettes, vaping devices, or associated paraphernalia (including, but not limited to, cartridges/capsules/pods) containing

such products, cocaine, LSD, PCP, Ecstasy, amphetamines, heroin, fentanyl, opioids, steroids, look-alike drugs, synthetic drugs and any substances commonly referred to as “designer drugs.”

18. Possessing drug paraphernalia including, but not limited to, rolling paper, pipes, blunts, electronic cigarettes, vaping devices and associated paraphernalia (including, but not limited to, cartridges/capsules/pods), etc.
19. Gambling as defined by New York State law.
20. Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner. Attempts or actually removing clothing from another person on school grounds for example (but not limited to) pulling down another person's trousers, shirts, etc.
21. Engaging in sexual acts.
22. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; activating a safety shower without cause. 19. Posting threats of mass harm to school, students, staff or community on school property or social media.
23. Subjecting students, school personnel, or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
24. Provoking and/or encouraging and/or inciting others to commit any of the acts prohibited by this Code.

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. Disruptive behavior, such as, but not limited to: excessive noise, pushing, shoving, throwing objects, vandalism and fighting will not be tolerated.

Engage in any form of academic misconduct. Examples of academic misconduct include: plagiarism, cheating, copying, altering records, and assisting another student in any of the above actions (or the use of AI to engage in one of the behaviors listed above).

Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misbehavior includes threatening or harassing students or school personnel through any means off-campus, including cyberbullying

VIII. Reporting Violations of Prohibited School Conduct

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property

or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. All students who are witnesses to, or subjected to, incidents of discrimination, harassment and/or bullying by another student, by any district staff and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to a teacher, guidance counselor, the building principal or his or her designee.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

After witnessing, or receiving a report of, a violation of the Code of Conduct or of discrimination, harassment and/or bullying against any student, all district staff that are authorized to impose disciplinary sanctions are expected to investigate the situation and impose appropriate disciplinary sanction as necessary in a prompt, fair and lawful manner. After witnessing, or receiving a report of, a violation of the Code of Conduct or of discrimination, harassment and/or bullying against any student, District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct and/or incidents of discrimination, harassment and/or bullying against any student to their supervisor, who shall in turn investigate the situation and impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a district staff member who is authorized to investigate the situation and impose an appropriate sanction.

All parents and/or visitors who are witnesses to, or receive a report of, a violation of the Code of Conduct or discrimination, harassment and/or bullying by a student, by a district staff member and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to district staff.

It is essential that all targets and persons with knowledge of incidents of discrimination and/or harassment report such behavior as soon as possible after the incident so that it may be effectively investigated and resolved. The Eastchester Union Free School District will promptly and equitably investigate all complaints, formal or informal, verbal or written. In order to assist investigators, individuals should document the incidents of discrimination and/or harassment as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident. If, after appropriate investigation, the Eastchester Union Free School District finds that a student, a district staff member or a third party has violated the Code of Conduct, prompt corrective and possibly disciplinary action will be taken in accordance with this Code of Conduct, applicable collective bargaining agreements, district policy and state law.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the

appropriate disciplinary sanction if warranted, which may include permanent suspension and referral to law enforcement.

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

IX. Disciplinary Penalties

Procedures and Referrals

Restorative and accountable consequences and interventions are determined after a thorough investigation has been conducted to understand the event(s) that took place and the rationale. Proactive strategies are utilized within the classroom to support the development of positive and respectful behaviors. Where appropriate, proactive strategies should be considered before imposing any consequences. These strategies include but are not limited to clear behavioral expectations, informal behavior plans, behavior contracts, check in and check outs with PPS staff. Strong classroom management, relationships with students and engaging curriculum that allows for student voice and choice are the foundation of proactive positive behavioral supports. Students will learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Students will be taught the skills necessary to engage in conversations about their own actions and decisions. District personnel who interact with students are expected to use consequences and interventions focused on the students' ability to grow in self-discipline and agency. Consequences and interventions will be equitable, restorative, and accountable so as to be the most effective in promoting positive student behavior and minimizing inappropriate behaviors; with minimal loss of instructional time whenever possible.

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

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

1. The student's grade / age, and (or) developmental letter.
2. The nature of the offense and the circumstances, which led to the offense.
3. The student's prior disciplinary record.

4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, some infractions are serious enough that they may warrant the maximum penalty for the first violation.

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

Consequences

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. There are a variety of consequences and interventions that may be used to support students that have violated the Code of Conduct. Our goal is to support students by engaging them in learning about their behaviors and its impact, repairing the harm that has been done, and implementing strategies and teaching skills that prevent similar events from occurring in the future. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, Superintendent or his/her designee
3. Written notification to parent - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, Superintendent or his/her designee
4. Detention - teachers, principal, Superintendent or his/her designee
5. Suspension from transportation – Supervisor of transportation, principal, Superintendent or his/her designee
6. Suspension from athletic participation – coaches, Athletic Director, principal, Superintendent or his/her designee
7. Suspension from social, school events, or extracurricular activities – activity director, principal, Superintendent or his/her designee
8. Suspension of other privileges - principal, Superintendent or his/her designee
9. In-school suspension - principal, Superintendent or his/her designee
10. Removal from classroom by teacher – teachers, principal
11. Short-term (five days or fewer) suspension from school - principal, Superintendent or his/her designee, Board of Education
12. Long-term (more than five days) suspension from school - Superintendent, Board of Education
13. Permanent suspension from school - Superintendent, Board of Education

Procedures

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

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

Detention

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

Suspension from Transportation

If a student does not provide a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

In-school Suspension

The Board recognizes that schools must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent or his/her designee to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. A student must conduct himself/herself properly on a bus, the driver is expected to bring such misconduct to the Transportation Supervisor who will alert the school administration. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designee. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent(s)/guardian(s) will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges

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

Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

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

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

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal forms. If the principal or designee is not available by the end of the same school day, the

teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent(s)/guardian(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 parent(s)/guardian(s).

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parent(s)/guardian(s) 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(s)/guardian(s) and principal. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

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

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

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, morals, health or welfare of others.

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

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

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

a. Short-term (5 days or fewer) suspension from school

When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education law §3214, the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent(s)/guardian(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 reasonably 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)/guardian(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)/guardian(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)/guardian(s) of the right to request an immediate informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parent(s)/guardian(s). At the conference, the parent(s)/guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parent(s)/guardian(s) in writing of his or her decision. If the parent(s)/guardian(s) are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parent(s)/guardian(s) are not satisfied with the Superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent 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 parent(s)/guardian(s) 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 and other evidence on his or her behalf.

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

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

c. Permanent Suspension

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

d. Procedure After Suspension

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

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. Students who bring a weapon to school: Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

A student with a disability may be suspended in accordance with Section IX of this Code of Conduct and the requirements of state and federal law.

Students who commit violent acts other than bringing a weapon to school: Any student 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. A student with a disability may be suspended in accordance with Section X of this Code of Conduct and the requirements of state and federal law. If the proposed penalty is the minimum five-day suspension, the student and the student's parent(s)/guardian(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)/guardian(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school. 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 suspension, the student and the student's parents will be given the five-day or less notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the five-day suspension, the student and the student's parent(s)/guardian(s)/guardian(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Referrals

Counseling

The principal or appropriate support staff shall handle all referrals of students to counseling.

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. Being ungovernable, or habitually disobedient, and beyond the lawful control of the school.

For items 'a' and 'b' above, when filing the petition, the district must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or

- a. Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

Juvenile Delinquents and Juvenile Offenders

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

- 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's status under the Criminal Procedure Law 1.20 (42).

The Superintendent is required to refer student's age 16 and older or any student 14 or 15 who qualify as juvenile offender status to the appropriate law enforcement.

Remedial Measures

In order to create and maintain a positive learning environment for all students, the Eastchester Union Free School District believes that certain remedies and procedures which focus on intervention and education should be utilized. Such remedial measures are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act(s). District staff is authorized to provide for:

1. Peer support groups, corrective instruction and/or other relevant learning or service experiences;
2. Supportive intervention;
3. Behavioral assessment(s) and/or evaluation(s);
4. Behavioral management plans.

Alternative Instruction

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

student. The Board of Education expects students, administrators, teachers and parent(s)/guardian(s) to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action. The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students are consistent with the safeguards required by applicable laws and regulations. If a student is suspended, the most important thing is to make sure that they receive homework, class work, and/or grade-level instruction so that they can continue to learn and earn academic credit. (See Education Law §3214 [3] [e].) If the youth is between 6 and 16 years old—or 6 and 17 in some school districts—the school must arrange for them to receive alternative academic instruction during the full term of the suspension. This may occur in school in a separate area, or out of school—either off site or at home. If the misconduct relates to a criminal charge and the youth is in county detention, academic instruction must occur at the detention facility. In the case of an off-site school suspension, the school must inform the student and parent/guardian of the location where classes will take place. Students in elementary school (1st-6th grades) are entitled to 2 hours minimum daily instruction). Students in secondary grades 7th-11th or 12th) are entitled to 3 hours minimum daily instruction.

X. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

For purposes of this section of the code of conduct, the following definitions apply.

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

“Controlled substance” means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

“Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:

- a. For more than 10 consecutive school days; or
- b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

“Illegal drug” means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

“Manifestation review” means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

“Manifestation team” means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent(s)/guardian(s), and relevant members of the committee on special education as determined by the parent and the district.

“Removal” means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

“Student presumed to have a disability for discipline purposes” means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

An “Interim Alternative Educational Setting (IAES)” means a temporary educational placement for a period of up to 45 school 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 educational 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.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, the District (BOCES) Superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or if the student inflicts serious bodily injury to another.

- 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable for 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 state law 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.

Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of 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 removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The District's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such a plan and its implementation, to the extent the Committee determines necessary.
 - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parent(s)/guardian(s) of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, building principal or other school official imposing 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 parent(s)/guardian(s) 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, then the student will be disciplined as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is complete, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parent(s)/guardian(s) 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 alternative educational setting (IAES) for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioners shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Educational Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a 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 school days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into his code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings 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 students 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 ground of dangerousness, or for infliction of serious bodily harm, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain

in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such a time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

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

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot 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 District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

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

XII. Student Searches and Interrogations

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

questioning the student. However, school officials will tell all students why they are being questioned.

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

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

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

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

B. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy §5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone

further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

C. Documentation of Searches

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

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

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

D. Police Involvement in Searches and Interrogations of Students

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

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

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

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

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

E. Child Protective Services Investigations

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

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

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

XIII. Visitors to the Schools

The District values the role of parents and the community in the education of its students. To support this partnership, parents and community members participate in meetings with school staff and attend events hosted by our schools. The Board encourages parents and other district citizens to visit the district's schools. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his/her designee is responsible for all persons in the building and on the grounds. For these reasons the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or an enrolled student of the school will be considered a visitor.
2. All visitors to the school must enter through the secured, single point of entry of the building after being screened by a school greeter. Upon being permitted entry into the building, the visitor should immediately report to the visitor's desk. All visitors will be required to produce a form of government identification (state issued ID, drivers license, passport, etc) upon request where the visitor's identification will be screened through a secure database, including the National Registry of Sex Offenders. If there is a positive match, appropriate steps will be taken to ensure the safety of all students.
3. The visitor will then be given a visitor's pass which must be displayed on the outermost garment for the duration of the visit while in the school building and on school grounds and returned upon the conclusion of the visit. At the conclusion of the visit, visitors should exit the building through the single point of entry where they originally entered.
4. When possible, the person being visited or another staff member will meet the visitor in the lobby and escort the visitor to their destination.
5. Persons who desire to visit a school building for any purpose must have an appointment before their arrival. They may visit in an emergency situation only with the expressed permission of an appropriate staff member.
6. Pre-registration may be required for school functions that are open to the public during and after school hours, including visitors attending school functions, such as parent-teacher organization meetings or public gatherings.
7. Parents or citizens who wish to observe a classroom while classes are in session are required to make an appointment in advance and receive prior approval. Such visits shall be deemed appropriate by school's administrators and comply with any and all applicable rules and provisions. Continuity of instruction and school safety takes precedence over any request for classroom or building visitation. Teachers are expected not to take class time to discuss individual matters with visitors.
8. Any unauthorized persons on school property will be reported to the Principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

The Superintendent of Schools or designee may refuse any individual or group access to the schools when the stated purpose is judged to be unreasonable, disruptive or not in the best interest of the students. The building administrator or designee is authorized to take any action necessary to secure the safety of students and school personnel. Unauthorized visitors shall be required to leave school premises immediately and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct. Any visitor who does not abide by the school Code of Conduct will be considered an unauthorized person and will immediately be asked to leave.

XIV. Public Conduct on School Property

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

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

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

A. 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 or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate or harass any student or discriminate against any student on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, height, weight, creed, national origin, ethnic group, religion, age, religious practice, gender (identity or expression), sex, sexual orientation, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.

12. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Use unsupervised skateboards, rollerblades, scooters, bicycles on school property.

B. Consequences

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 revoked and they shall be directed to leave the premises. If they refuse to leave, the administrators or other authorized personnel will seek the assistance of law enforcement.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

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

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

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the “Consequences” section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

XV. Dissemination and Review

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 summary of the Code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year.
3. Sending a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoptions.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.
7. The Board will sponsor professional development for all district staff members to ensure the effective implementation of the Code of Conduct, including the Dignity for all Students Act. Training will commence on the first Superintendent conference day of each school year and ongoing training will be provided as deemed appropriate by the Superintendent of Schools. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding programs pertaining to the management and discipline of students.
8. Posting the complete Code of Conduct on the District’s website.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct and other training to contribute to its success as needed. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district’s professional development plan, as needed.

B. Review of the Code of Conduct

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

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to the Code of Conduct violations. The purpose of this in-service education is to promote a safe and supportive school climate while discouraging, among other things, discrimination and/or harassment against students by students and/or District staff and to guide District staff on the inclusion of safe and supportive school climate concepts in the curriculum and classroom management. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

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