2025-2026

CODE OF CONDUCT
LETCHWORTH CENTRAL SCHOOL

Reviewed on June 5 and 12, 2025

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I. INTRODUCTION

The Letchworth Central School 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 Letchworth 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.

Letchworth Central School is equipped with video surveillance including such areas as the hallways, computer rooms, pool, gym, cafeterias, fitness center and parking lots. This surveillance is intended to improve the safety of all and monitor behavior.

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.

DIGNITY FOR ALL STUDENTS ACT

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

II. DEFINITIONS

For purposes of this code, the following definitions apply.

- *Artificial Intelligence* means the theory and development of computer systems able to perform tasks that normally require human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.
- *Color* means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- *Cyberbullying* means harassment/bulling, as defined under Harassment/Bullying below, through any form of electronic communication.
- *Disability* means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section §11[4] and Executive Law Section §292[21]).
- *Discrimination* means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- *Disruptive student* means an elementary or secondary student, prior to their twenty-second birthday, who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- *Employee* means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section §11[4] and §1125[3]).
- *Emotional harm* that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonable and substantially interfere with a student's education.

- *Ethnic Group* means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.
- *Gender* means actual or perceived sex and includes a person's gender identity or expression (Education Law Section §11[6]).
- *Gender Identity* means our internal sense of self as male, female, neither or both.
- *Harassment/bullying* means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law §11(8), that
  (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
  (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
  (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
  (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

  For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7])
- *National Origin* means a person's country of birth or ancestor's country of birth.
- *Parent* means parent, guardian or person in parental relation to a student.
- *Race* means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent, "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.
- *Religion* means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
- *Religious Practice* means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
- *School Bus* means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section §11[1] and Vehicle and Traffic Law Section 142).
- *School property* means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- *School function* means any school-sponsored extra-curricular event or activity.
- *Sex* means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)
- *Sexual Orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section §11[5]).
- *Violent student* means a student, prior to their twenty-second birthday who:
  1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
  3. Possesses, while on school property or at a school function, a weapon.
  4. Displays, while on school property or at a school function, what appears to be a weapon.
  5. Threatens, while on school property or at a school function, to use a weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys school district property.
- *Visitor* any other person on school property.
- *Weapon* means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, bow, cross bow, arrows or other device, instrument, material or substance that can cause physical injury or death

when used to cause physical injury or death. (Including: spiked collars, belts, bracelets; chains of any sort that could be used as a weapon.)

- *Weight* means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

1. Attend school in the district in which his/her parent or legal guardian resides.
2. Express his/her opinions verbally or in writing when not in conflict with specifications in Section VI.
3. Dress in such a way as to express his/her personality, when not in conflict with the school dress code as defined in Section V.
4. Expect that the school will be an orderly place for all students to gain an education.
5. Be afforded due process in the event of disciplinary action brought against him/her including suspension and or expulsion.
6. Be afforded fair and appropriate educational opportunities as it pertains to student need.
7. Be afforded the opportunity to participate on athletic teams when eligible, regardless of sex, except pursuant to Regulations of the State Education Commissioner.
8. Be afforded the opportunity to participate in district and extra-curricular activities, if eligible.
9. Have access to relevant and objective information concerning drug and alcohol abuse, as well as, access to individuals or agencies capable of providing direct assistance to students with severe personal problems.
10. Have his/her student records available for inspection by his/her parent or legal guardian upon request, or by the student him/herself if 18 years of age or older.
11. Be free from unreasonable intrusion; see Section XII, upon his/her person or property by school personnel and/or police agencies.
12. Be free from discriminatory practices.
13. Be respected as an individual entitled to his/her personal dignity and integrity.
14. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
15. Access to school rules and, when necessary, receive an explanation of those rules from school personnel.
16. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

B. Student Responsibilities

All district students have the responsibility to:

1. Attend school daily, except when ill, and be on time to all classes.
2. Express his/her opinions and ideas in a respectful manner so as not to slander, or restrict the rights of others. (See Section VI)
3. Dress so as not to endanger physical health, safety, limit participation in school activities or be unduly distractive. (See Section V)
4. Be aware of all rules and expectations regulating student behavior and conduct him/herself in accordance with these guidelines.
5. Should be willing to volunteer information in disciplinary cases if he/she has knowledge of importance in such a case.
6. Be aware of available educational programs in order to use and develop capabilities to a maximum.
7. Be physically fit, prepared to participate, and have a positive attitude toward physical activity.
8. Be aware of all rules and expectations governing participation and conduct his / herself in accordance with these guidelines.
9. Be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
10. Be aware of the right to access information and guidelines governing such access.
11. Be aware of actions that constitute serious and dangerous wrong-doing and refrain from such acts (possession of

contraband, drugs, etc.).
12. Refrain from participating in any discriminatory practices or harassment against others -students, teachers, custodians, etc.
13. Demonstrate appreciation for the dignity and integrity of all community members.
14. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.
15. Be aware of eligibility requirements for participation in district, extra-curricular and athletic activities.

IV. ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Understand the school district is not responsible for lost or stolen items.
14. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach, pursue appropriate certification, and participate in professional development activities.
3. Demonstrate interest in teaching, awareness and application of the NYS standards for learning at their assignment level, and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
   a. Course objectives and requirements
   b. Marking/grading procedures
   c. Assignment deadlines
   d. Expectations for students
   e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

C. Instructional and Non-Instructional Support Personnel

All district instructional and non-instructional support personnel:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to carry out job related responsibilities, pursue appropriate certification, and participate in professional development activities.
3. Demonstrate interest in student well-being and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate appropriately to members of the school and greater community.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Guidance Counselors, School Psychologist and County Support Personnel:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

E. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly, fairly and in response to the language of the Code of Conduct.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

F. Superintendent

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

G. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator 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/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

V. STUDENT DRESS CODE

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, crop tops (and/or midriff shirts) plunging necklines (front and/or back), strapless tops or dresses, and see-through garments are not appropriate. Shorts, skorts, and skirts should be of modest length (i.e. fingertip length) and not be distracting to the educational environment.
3. Ensure that undergarments are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed, including slippers.
5. Not include the wearing of hoods in the school building between the start of the school day and 3:20 PM. Students may wear hats throughout the school day. It is up to teacher discretion on the wearing of hats in individual classrooms. Additionally, earbuds, headphones or similar items can only be worn in one ear.
6. Not include accessories that may be used as a weapon to cause physical injury or an item to cause property damage. This includes, but is not limited to, bracelets, necklaces and belts with protruding spikes and chains.
7. Attire shall not include images or messages that are vulgar, obscene, libelous, including images or messages that are innuendos or have double meanings, or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex, and/or any other legally-protected status.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other inappropriate, illegal or violent activities.
9. Not include the wearing of sunglasses (unless prescribed by a physician.)
10. Buttocks cannot be exposed.

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.

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

VI. 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 clarify these expectations and focus on safety and respect for the rights and property of others. This document is in no way to be viewed as all encompassing or reflective of every possible situation, it is to be viewed as an evolving document that will develop over time. 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:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
   1. Running in hallways, on walkways and sidewalks.
   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 which disrupts the normal operation of the school community.
   6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

B. Computer/electronic communications misuse, including any unauthorized use of computers (tablets, laptops, iPads, netbooks, etc.), software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
   1. Sending or forwarding sexually explicit or inappropriate photos, videos or messages from a mobile phone, computer or other electronic device is prohibited.
   2. Engaging in bullying, cyber bullying or harassment that happen on-line such as e-mail, text message, an online game or comments on a social networking site are prohibited.
   3. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
   4. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
   5. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
   6. Unauthorized use of Artificial Intelligence ("AI") technology, including but not limited to ChatGPT, or other similar AI chatbots.

C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
   1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
   2. Lateness for, missing or leaving school without permission.
   3. Skipping detention.

D. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
   1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of student
   2. Rude, malicious or inappropriate conduct in the school classroom or environment.

E. 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 damaging or destroying school district property.
   8. Engaging in harassing 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 well-being.
   9. Communication by any means, including oral, written or electronic (such as through the Internet, email or

texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

F. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
   1. Lying to school personnel.
   2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
   3. Defamation, which includes making false 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
   4 Discrimination, which includes the use of race, color, creed, national origin, religion, gender, 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. Sending or forwarding sexually explicit photos, videos or messages from a mobile phone, computer or other electronic devices are prohibited.
   7. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
   8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
   9. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
   10. Selling, using or possessing obscene material.
   11. Using vulgar or abusive language, cursing or swearing.
   12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco, E-cigarettes or Vapes/Vaping Pens.
   13. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages or alcohol containing products, tobacco, tobacco products, cigarettes, e-cigarettes or their equivalent, CBD products, e-hookahs or other lookalikes, vape-pens, or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
      - Designer drugs are drugs which are created (or reformulated, if the drug already existed) to get around existing drug laws, usually by modifying the molecular structures of existing drugs to varying degrees.
        - Any and all “designer drugs” that can be purchased legally, over-the-counter without a physician’s prescription are strictly prohibited.
        - Any and all “smoking mixtures” are strictly prohibited.
        - Any and all products sold or marketed under false pretenses with the warning “Not for Human Consumption” are strictly prohibited.
   14. Inappropriately using or sharing prescription and over-the-counter drugs.
   15. Gambling.
   16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
   17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

H. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
   1. Plagiarism.
   2. Cheating.
   3. Copying.

4. Altering records.
5. Assisting another student in any of the above actions.
6. Including the work of Artificial Intelligence applications, when not specifically directed to use by teachers, as one's own thoughts through the deliberate omission of acknowledgement or reference.

I. Possession of contraband materials. Examples of contraband materials include, but are not limited to:

1. Trading cards (Pokémon, baseball, etc.…) are prohibited during the instructional setting unless permitted by the teacher for educational purposes. If necessary to be brought to school, these items should not be used nor visible except during non-instructional periods during the day (Hall/Cafeteria) upon entering the building until 3:20 P.M. Students using these cards during an instructional setting, without permission, will have them confiscated.
2. Expensive personal items which are not necessary to the educational process
3. Items which are disruptive to the educational process such as: any personal audio equipment, headsets, iPods, MP3's, hand held video games, cell phones, etc. should not be in use or, if applicable, worn in an instructional setting (Classrooms/Library/Study Hall) unless expressly requested by a teacher for educational purposes. Personal audio equipment with headphones may be used on the bus and in the hallways, but for safety reasons, earbuds worn in the hallway must be worn one in and one out.
4. Open, non-resealable containers or any glass containers are not permissible during the instructional day. [Resealable plastic containers are acceptable in the classrooms with teacher permission only.] Energy drinks are prohibited throughout the school day.
5. Personal medication (cough syrup, Tylenol, prescription medication, CBD products) other than inhalers or EpiPens prescribed by physicians for respiratory distress which must be used immediately.
6. Cell phones are not to be used in the instructional setting (Classrooms/Library/Study Hall) unless expressly requested by a teacher for educational purposes. This includes, but not limited to, taking pictures, video and/or audio recordings. If necessary to be brought to school, these items should not be used nor visible except during non-instructional periods during the day (Hallways/Cafeteria) upon entering the building until 3:20 PM. Use of cell phones is strictly prohibited in the bathrooms, locker rooms, and auditorium at all times. This equipment is prohibited while serving after school detention.

VII. REPORTING VIOLATIONS

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

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

The building principal or his or 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 no later than the next business day. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

1. The student's age.

2. The nature of the offense and the circumstances 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 and developmental in nature, dependent upon the age and level of conceptual development of the student. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability (who have been classified by the CSE or CPSE) or presumed to have a disability (may be eligible for a 504 and behavior modification plan). A student identified as having a disability shall not be disciplined for behavior related to his/her disability, but examination of the educational setting may be necessary to determine whether the student may require a more restrictive setting.

A. Penalties

The school administration may decide on a lesser or more severe penalty depending on the circumstance of the discipline case.

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

Insubordination: when a student refuses to follow a reasonable request made by any adult in authority.

Elementary: (After exhausting classroom behavior plan)

A. First Offense — Up to verbal warning and notification of parent
B. Second Offense: — Up to time out, lunch detention, after school detention
C. Third Offense: — Up to in-office suspension, referral for counseling
D. Fourth Offense: — Up to in-school suspension
E. Fifth Offense: — Up to out-of-school suspension, possible Superintendent's hearing and possible recommendation for permanent suspension

Middle/High School:

A. First Offense: — Up to detention and notification of parent.
B. Second Offense: — Up to detention, In- or out-of-school suspension and a parent conference.
C. Third Offense: — Up to out-of-school suspension, possible Superintendent's hearing and a possible recommendation for permanent suspension.

Disruptive Behavior In The Classroom: acting in a manner that interferes with teaching and/or learning.

Elementary: (After exhausting classroom behavior plan)

A. First Offense: — Up to verbal warning and notification of parent
B. Second Offense: — Up to time out, lunch detention, after school detention

C. Third Offense: Up to in-office suspension, referral for counseling
D. Fourth Offense: Up to in-school suspension
E. Fifth Offense: Up to out-of-school suspension, possible Superintendent's hearing and possible recommendation for permanent suspension

Middle/High School:
A. First Offense: Up to detention and notification of parent.
B. Second Offense: Up to detention and parent conference.
C. Third Offense: Up to permanent removal from class could result depending on the severity and persistence of the behavior.

Copying/Academic Cheating: duplicating another's work, crib notes for a test, plagiarism or found to be cheating in some manner on an assignment or exam. This also includes, but is not limited to the unauthorized use of Artificial Intelligence ("AI") chatbots.

Elementary: (After exhausting classroom behavior plan)
A. First Offense: Up to verbal warning and notification of parent
B. Second Offense: Up to automatic zero for the activity, time out, lunch detention, after school detention
C. Third Offense: Up to automatic zero for the activity, in-office suspension, referral for counseling
D. Fourth Offense: Up to in-school suspension

Middle/High School:
A. First Offense: Up to automatic zero for the assignment or test in question and notification of parent by teacher. If the offense occurs on an end of a course requirement such as a research paper or test, it may mean failure of the course.
B. Second Offense: Up to automatic zero for the assignment or test in question and in-school or out-of-school suspension.

Misbehavior In The Cafeteria: throwing of food or other objects, or misuse of cafeteria facilities.

Elementary: (After exhausting classroom behavior plan)
A. First Offense: Up to verbal warning and notification of parent
B. Second Offense: Up to time out, lunch detention, or after school detention
C. Third Offense: Up to lunch detention for the remainder of the week
D. Fourth Offense: Up to conference, permanent lunch detention

Middle/High School:
A. First Offense: Up to detention and notification of parent.
B. Second Offense: Up to detention, ISS and notification of parent.
C. Third Offense: Up to loss of the privilege to eat lunch in cafeteria area.

Misbehavior In The Senior Lounge:

A. First Offense: Up to verbal warning, sent back to study hall that day, notification of parent
B. Second Offense: Up to loss of privilege for 2 weeks and notification of parent
C. Third Offense: Up to loss of privilege for 5 weeks and notification of parent
D. Fourth Offense: Up to loss of privilege for remainder of year and notification of parent

Public Display Of Affection: hugging and/or kissing (are not acceptable in our school environment). Handholding is the acceptable limit of such displays of affection.

Elementary: (After exhausting classroom behavior plan)
A. First Offense: Up to verbal warning and notification of parent
B. Second Offense: Up to time out, lunch detention, or after school detention, referral for counseling
C. Third Offense: Up to lunch detention for the remainder of the week
D. Fourth Offense: Up to parent conference, referral to Mental Health

Middle/High School:

A. First Offense: Up to a verbal warning.
B. Succeeding Offenses: Up to detention(s) and parental notification. Penalties for insubordination could be applied if this behavior persists since this shows an obvious disregard for the rule.

Harassment (Including Sexual Harassment, Internet/Cyber Bullying and Hazing): Intimidation of students, staff, or visitors by means of verbal, written, visual, electronic or physical means.

Elementary: (After exhausting classroom behavior plan)

A. First Offense: Up to verbal warning and notification of parent
B. Second Offense: Up to time out, lunch detention, or after school detention, referral for counseling
C. Third Offense: Up to in-school suspension
D. Fourth Offense: Up to parent conference, referral to Mental Health

Middle/High School: Severity of the offense dictates the severity of the punishment.

A. First Offense: Up to detention, In-or out-of-school suspension and a possible parent conference.
B. Second Offense: Up to detention, In- or out-of-school suspension and a parent conference.
C. Third Offense: Up to suspension out-of-school and the possibility of a Superintendent's hearing.

- Please be reminded that sexual harassment is against the law and will not be tolerated in any form. Some examples of intolerable sexual harassment include, but are not limited to: touching, sexual language, graffiti, perpetuating rumors of a sexual nature, exposing oneself.
- Internet/Cyber Bullying includes the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others.
- Hazing 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.
- Students should immediately report any occurrences of harassment to the building principal. All complaints will be thoroughly investigated.

Vulgar Language Or Obscene And Offensive Behavior: Indecent, inconsiderate behavior, obscene or offensive gestures, exposing others to offensive conditions including obscene, suggestive or inappropriate printed, electronic or audible material and a disregard for the privacy of others or yourself. NOTE: Language or written material, which may very well be acceptable in private, may not be considered acceptable in a school environment.

Elementary: (After exhausting classroom behavior plan)

A. First Offense: Up to verbal warning and notification of parent
B. Second Offense: Up to time out, lunch detention, or after school detention, referral for counseling
C. Third Offense: Up to in-school suspension
D. Fourth Offense: Up to parent conference, referral to Mental Health

Middle/High School: Severity of the offense dictates the severity of the punishment.

A. First Offense: Up to detention, In-or out-of-school suspension and a possible parent conference.
B. Second Offense: Up to detention, In- or out-of-school suspension and a parent conference.
C. Third Offense: Up to suspension out-of-school and the possibility of a Superintendent's hearing.

Phones and Internet Enabled Devices All cell phones and internet enabled devices, including smartwatches and tablets, must be in your locker from 8:45AM-3:20PM (Middle School and High School), 7:45 AM-2:15 PM (Elementary School)

All Levels:

A. First Offense: Item will be confiscated and taken to the Office. Student may pick it up after end of school day.
B. Second Offense: Item will be confiscated and taken to the Office. Student may pick it up after end of school day.

C. Third Offense: Item will be confiscated and must be picked up by parent.
D. Fourth Offense: Item will be confiscated and a contract will be made with the family to store the item in the office daily or keep the item at home.

Pagers And Personal Audio Equipment Cell phones, pagers and personal audio equipment are not to be used in the instructional setting (Classrooms/Library/Study Hall) unless expressly requested by a teacher for educational purposes. This includes, but not limited to, taking pictures, video and/or audio recordings. If necessary to be brought to school, these items should not be used nor visible except during non-instructional periods during the day (Hallways/Cafeteria) upon entering the building until 3:20 PM. Students using this equipment during an instructional setting without permission will have it confiscated. Use of cell phones is strictly prohibited in the bathrooms, locker rooms, and auditorium at all times. This equipment is prohibited while serving any school detention.

All Levels:
A. First Offense: Item will be confiscated and taken to the MS/HS Office. Student and/or parent may pick it up after end of school day. (Parent will be notified.)
B. Second Offense: Item will be confiscated and must be picked up by parent. Detention may be assigned.

Computer / Internet Misuse violation of the "Letchworth Central School District Code of Ethics for Computer Users" and/or violation of the "LCS District Internet Use Agreement."

All Levels: (Building Principal will determine the duration of lost privileges.)
A. Verbal warning and parent phone call.
B. Computer will be checked in and out at the office every day. Supervised use only.
C. Loss of use. (length to be determined by the principal)
D. Legal proceedings as per state and federal laws and regulations. (when appropriate)
E. The Building Principal may decide on a more severe punishment depending on the severity of the situation.

Fighting Or Physical Abuse In School Or On School Property: Fighting will not be tolerated in school or on school property. Every reasonable effort will be made to determine the instigator. If this fails, all parties will be considered responsible.

Elementary: (After exhausting classroom behavior plan)
A. First Offense: Up to notification of parent, detention, or in- or out-of school suspension depending upon circumstances
B. Second Offense: Up to notification of parent, detention, or in- or out-of-school suspension depending upon circumstances, referral for counseling or to CSE
C. Subsequent offense: Up to in- or out-of-school suspension followed by a Superintendent's hearing and a possible recommendation for permanent suspension.

Middle/High School:
A. First Offense: Up to in- or out-of-school suspension and parent notification. Also, probable denial of school privileges (dances, attendance at games, driving privileges).
B. Second Offense: Up to out-of-school suspension and a parent conference. Also, probable denial of school privileges (dances, attendance at games, driving privileges).
C. Third Offense: Up to out-of-school suspension, possible Superintendent's hearing and a possible recommendation for permanent suspension. (Depending on severity, the 2nd or 3rd offense could be used immediately.)

*Note criminal charges

Excessive Referrals: Unacceptable behavior in school cannot be tolerated. Students with excessive referrals (3 or more) or students obtaining very serious referrals will most likely be denied school privileges (i.e. school dances, attendance as a spectator at games, driving privileges). Referrals for counseling (through Mental Health therapists, school psychologists, social services prevention workers, substance abuse counselors, or law enforcement resource officers) are probable depending upon circumstances.

Loitering and Forgery: being found in any part of the building or property without permission to be there. Forgery includes adding names to passes and the faking of anyone's signature other than your own.

All Levels:
A. First Offense: Up to warning, detention and notification of parent
B. Second Offense: Up to detention and parent conference
C. Third Offense: Up to in-school suspension and a parent conference
If occurring after school hours, a referral may be made to law enforcement or the department of social services if neglect, lack of supervision by parents, or criminal trespass is suspected.

Late To Class Or Assigned Area: Students have the allotted passing time to get from one class to another, after that period of time the student is late, unless he/she has a pass from the previous teacher. NOTE: **Do NOT** ask for a pass in the office. Students will report directly to class when late.

Middle/High School:
A. Second Offense in any 10 week span: Up to warning and teacher will notify parents.
B. Upon the 3rd tardiness to class in any 10 week span, (and each **tardy** thereafter) The teacher will fill out a discipline referral and send it to the office. Up to possible detention or in-school suspension.

Illegally Late To School (Tardiness): Students in grades K-4 must be IN their assigned class by the tardy bell at 7:50 am. Students in grades 5-12 must be IN their assigned class by the tardy bell at 8:45 am. The illegality of any excuse is governed by New York State Regulations regarding legal absences.

All Levels:

Second Offense in any 10 week Quarter: Up to warning and parents will be notified.
Upon the 3rd offense in any 10 week Quarter and each Subsequent Offense: Up to detention or In-school suspension.
A. Chronic Offenses: Up to possible referral to the Department of Social Services for educational neglect and/or suspension of driving privileges.

Cutting, Skipping a Class and/or Detention: being absent from the classroom without an acceptable reason for a portion or all of a class period.

Middle/High School:
A. First Offense: Up to detention and notification of parent.
B. Second Offense: Up to in-school suspension.
*NOTE: All class work or tests missed may result in a zero if the student skips a class.

Truancy From School: being absent from school without the knowledge or consent of the parents.

All Levels:
A. First Offense: Up to detention and notification of parent.
B. Second Offense: Up to in-school suspension and parental notification.
*NOTE: All class work or tests missed may result in a zero if the student skips a class.

Absences From School/Excuses: All children are expected to be in attendance when school is in session. If students are absent, they are required to bring a parental excuse to the office stating date and reason for the absence. Absences without excuses are automatically recorded as illegal absences. Parents/Guardians of students with excessive absences may be reported to the Department of Social Services if education neglect is suspected.

A. If no written excuse: warning from attendance office will be issued.
- After 3 school days of a delinquent excuse, nurse's office will inform the building principal. Detention may be assigned.

Property Damage or Destruction of Personal or School Property: deliberate damaging or destroying anything owned by the school district or other individual personal property.

All Levels:

A. First Offense: Up to replacement cost OR district community service, detention OR in-school suspension and notification of parent.
B. Second Offense: Up to replacement cost OR district community service, in-school suspension or out-of-school suspension.
C. Third Offense: Up to out-of-school suspension, replacement cost OR district community service and a Superintendent's hearing with a possible recommendation for permanent suspension.

* NOTE: Depending on severity, may result in criminal charges being filed. Refusal to pay for destruction of property may result in the denial of extracurricular privileges. May be assigned custodial duty in lieu of detention or suspension.

Theft: taking of money or material goods.

Elementary:

A. First Offense: Up to detention, notification of parent, and replacement cost
B. Second Offense: Up to in-school suspension, parent call, replacement cost and possible referral for counseling.
C. Third Offense: Up to in-school suspension, parent call, possible referral for counseling by law enforcement resource officer.

Middle/High School:

A. First Offense: Up to replacement cost, in-school suspension and notification of parent.
B. Second Offense: Up to replacement cost, in-school suspension, notification of parent and recommendation for counseling.
C. Third Offense: Up to out-of-school suspension, replacement cost and a Superintendent's hearing with possible recommendation for permanent suspension.

- Refusal to pay for stolen items may result in the denial of extracurricular privileges.

Threats of Violence: Anyone issuing an implied or direct threat is required to be escorted by a staff member to the building administrator, when possible. All potential threats, implied or otherwise, should be reported to the building administrator. The building administrator will work with the Emergency Response Team to conduct a threat assessment.

The result of the evaluation of the seriousness of the threat and follow up with necessary actions can include, but is not limited to:

- Disciplinary action as outlined in the District's Code of Conduct
- Referral to counseling
- Referral to Wyoming County Threat Assessment Committee
- Law enforcement involvement
- Superintendent's hearing and possible suspension for students or SED/Civil Service sanctions for staff

Criminal Actions: turning in a bomb threat, setting off the fire alarms, tampering with safety equipment, possessing or setting off fire crackers or similar material (matches, lighters), possession of a weapon (firearm, or other weapon whose primary function is to cause physical harm to property or humans), possession of illegal pornographic, printed or electronic material or deliberately endangering the welfare of others.

All Levels:

A. First Offense: Automatic notification of authorities for an arrest, five days out-of-school suspension, a parent conference, followed by a Superintendent's hearing and possibly a recommendation for permanent suspension.

Smoking/Tobacco: All students are forbidden to use or possess tobacco in any form (including chewing tobacco, cigarettes, e-cigarettes or their equivalent, e-hookahs or other lookalikes, vape-pens), in the school building, on school grounds, on school vehicles, or on school sanctioned trips.
Smoking or attempted smoking shall be defined as:

1. Holding a cigarette or a lookalike or equivalent (lit or unlit) in mouth or hand.
2. Smoke or vapor coming from mouth.
3. Cigarette or a lookalike or equivalent being disposed of.
4. Obvious connection between student(s) and cigarette or a lookalike or equivalent found in the immediate area.
5. Student in lavatory stall and smoke or vapor is seen coming from the stall.

All Levels (Any confiscated device/item will not be returned.):

A. First Offense: Up to in- or out-of-school suspension and parents notified.
B. Second Offense: Up to out-of-school suspension and a parent conference required for re-admittance.

Drugs (Including Alcohol / Drug Paraphernalia)

▪ *Consumption*: A student who has consumed ANY amount of drugs or alcohol is automatically termed to be "under the influence."

All Levels (Any confiscated device/item will not be returned.):

A. First Offense: Up to out-of school suspension and attempt will be made to notify parents. Notification of the proper law enforcement authorities, with possible criminal action. A parent conference must take place before the student is readmitted to school. Substance abuse counseling could be recommended by the administration or requested by the student or parents.

▪ *Possession*: A student who is found to be in possession of drugs, alcohol or paraphernalia.

All Levels (Any confiscated device/item will not be returned.):

A. First Offense: Up to out-of-school suspension and attempt will be made to notify the parents. If the student is under 16, permission for the proper law enforcement authorities to speak to the student will be requested from the parents. Notification of the proper law enforcement authorities with possible criminal action. The administration will recommend entrance into the substance abuse diversion program.

▪ *Providing to Others*: A student who has sold, given or shows intent to provide drugs, alcohol, or paraphernalia to another student.

A. First Offense: SAME AS FOR POSSESSION AND the student and parents will be required to attend a Superintendent's hearing, which could result in permanent suspension from school.

NOTE: Because there may be extenuating circumstances, the administration is given the flexibility to deviate from these guidelines when in the best interest of the student's education.

NOTE A parent/guardian conference is required for re-admittance for any student suspended out-of-school.

B. 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 the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

Teachers, principals and the Superintendent may use lunch detention or after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school 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. Lunch or free time detention will be imposed when after school detention or more serious consequences are not deemed appropriate.

Detention

A. Elementary detention is 2:20 – 3:20 PM with option to utilize the Middle/High school level detention. Detention at the Middle/High school level starts at 3:30 PM and ends at 5:10 PM. Students should report to the Office at the end of the school day after obtaining all materials they will need to work.
B. Students must remain quiet and work the entire time. If you come to detention unprepared, the teacher in charge will recommend to the principal that an additional detention be assigned.
C. Students who are disruptive or refuse to cooperate with the teacher will be immediately removed from the room and subject to further disciplinary action.
D. Failure to report to detention will result in being charged with insubordination. Students will be assigned ISS and will also make up the detention that was missed.
E. Detention will be held Monday through Thursday for elementary students and on Tuesdays and Thursdays for Middle and High School students.
F. Parents/Guardians are responsible for providing transportation home following detention. (Elementary students may ride the 3:20 PM bus under most circumstances)

Lunch detention or free time detention is also utilized at the elementary and middle school levels. Students spend their lunchtime eating in the office with supervision or are asked to report for free-time detention during their classroom free time.

2. Suspension from transportation

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

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

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

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

4. In-school suspension

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

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

5. Teacher disciplinary removal of disruptive students

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

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

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

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

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

The teacher must complete a district-established disciplinary removal form and meet with the 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 parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

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

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

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

The principal or his 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 from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

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, as defined by the CSE or CPSE, under certain circumstances, may constitute a change in the student's placement.

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

6. Suspension from school

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

Short-term (5 days or less) suspension from school

When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may established.

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

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

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

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record.

The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all 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 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

Permanent suspension

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

C. Minimum Periods of Suspension

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

Any student, other than a student with a disability (as defined by the CSE or CPSE), found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year and will also be referred to the criminal or juvenile justice system. 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 (as defined by the CSE or CPSE) may be suspended only in accordance with the requirements of state and federal law. A nexus meeting will be held, examination of the student's placement will be considered and a change of placement or a more appropriate behavior plan may be deemed necessary.

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

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

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

Any student, other than a student with a disability (as defined by CSE or CPSE) who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

In-School Suspension

A. Students assigned in-school suspension (ISS) are to report to the appropriate office immediately upon entering the building.
B. Students must take all textbooks, notebooks, pens, pencils, etc. with them.
C. Students must remain quiet, in their assigned seats, and perform the work assigned them by the ISS teacher.

D. Lavatory privileges will be granted at the discretion of the supervising teacher.
E. Students will eat together in the ISS room.
F. School work is to be completed and given to the ISS teacher at the end of the day.
G. Students assigned ISS are not allowed to attend any school functions or participate in extra-curricular activities during the term of the suspension.
H. Failure to follow the ISS rules will result in further disciplinary action.
I. ISS is conducted from 8:00-3:20
J. Parents/Guardians may be required to meet with the principal prior to the student re-entering the regular academic program.

Out-Of-School Suspension

A. Students assigned out-of-school suspension are not permitted to attend any school functions or participate in extra-curricular activities during the term of the suspension. Parents/Guardians are required to meet with the principal prior to the student re-entering school.
B. The administration will cooperate with the parent and student to insure that the educational process is minimally disrupted.
C. Tutoring will be offered to suspended students as per State regulation.

D. Referrals

1. Counseling
   The Guidance Office (Middle/High school) shall handle all referrals of students to counseling. The MTSS team or elementary principal shall handle all referrals of students to counseling in the elementary building.
2. PINS Petitions
   The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
   a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
   b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.
   c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
   d. Criminal possession of a prescription drug or illegal possession of other drugs.
3. Juvenile Delinquents and Juvenile Offenders
   The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
   a. Any student under the age of 16 who is found to have brought a weapon to school, or
   b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

IX. ALTERNATIVE INSTRUCTION

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

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law § 3214.

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

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
   a. The Board, 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.
   b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
   c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
   d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
   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 of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
   2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
   3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

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

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change

in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

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

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

      If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
   b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
   a. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
   b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
      1) conducted an individual evaluation & determined that the student is not a student with a disability, or
      2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

   However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations.

   Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

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

the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

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

D. Expedited Due Process Hearings

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

E. Referral to law enforcement and judicial authorities

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

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

XII. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, 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 practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

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

B. Strip Searches

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

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

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

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

C. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(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 is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, in most cases 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. Police officials will conduct questioning and searches in accordance with the Family Court Act And Criminal Procedure Law. 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:

a) They must be informed of their legal rights.
b) They may remain silent if they so desire.
c) They may request the presence of an attorney.

E. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or designee shall set the time and place of the interview. When not court-ordered, the principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

XIII. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits.

The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to all visitors to the schools:

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

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY

All persons

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, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.

12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. The use of tobacco (including smokeless tobacco) is prohibited on all school grounds.

B. Penalties

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

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

C. Enforcement

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

When the building principal or his or 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, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

D. Search of Parking Lot and Vehicles

(Including Police and Canine Searches) The District reserves the right in all instances with or without the aid of police authorities to conduct searches of vehicles on school property.

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 Digital copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
2. The code is available to all parents at the beginning of the school year on our school website.
3. Providing 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 and a copy of any amendments to the code as soon as practicable after adoption.
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.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of

students.

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

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

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

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

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.