



**District Code of Conduct
2025-2026**

Holland Central School District
BEDS Code: 14-17-01-04-0000
District Office
103 Canada Street
Holland, New York 14080

Cathy Fabiatos, Interim Superintendent of Schools

Board of Education

Mr. Russ Clothier Jr. - President
Mrs. Kelleen Kensy - Vice-President
Mr. Andrew Stang
Mrs. Mary Jo Szucs
Mrs. Bonnie Meahl Rowe
Ms. Paula Leach
Mr. Tom Olszewski

Holland Central School District Vision:

Ignite a passion to thrive in an ever-changing world.

Holland Central School District Mission:

To cultivate active learners through a meaningful and relevant educational experience that priorities student well-being, builds resiliency, and prepares them to be engaged, contributing members of society.

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I. Introduction:

The Holland 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 District upholds expectations for conduct on school property and at school functions based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible reactions, unacceptable conduct, and to ensure that when disciplinary action is necessary, it is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“code”).

Our approach to managing student behavior emphasizes teaching students to behave in ways that contribute to academic achievement, school success and post-secondary success. Our intent is to support a school environment where students and school staff are responsible and respectful. We also emphasize the need for school staff to promote appropriate behaviors by teaching, modeling, reinforcing, and monitoring appropriate behaviors. We recognize that effective school discipline is anchored to meaningful, corrective instruction and guidance that offers students an opportunity to learn from their mistakes, make amends, and contribute to the school community. Ongoing monitoring and documentation of student management data is essential to record and adjust disciplinary practices in a fair and non-discriminatory manner.

The principles of our school culture will be clarified, supported and implemented by all building leaders and programs through this Code of Conduct. The Rules supporting these principles should be clearly outlined in the individual building level implementation plans.

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

In compliance with Title IX of the federal Education Amendments of 1972 (20 US.C. § 1681 et seq.), Title VI of the federal Civil Rights Act of 1964 (42 US. C. §2000d), Section 504 of the Rehabilitation Act of 1973 (29 US.C. §794), the Americans With Disabilities Act of 1990 (42 US.C. §12101 et seq.), §3201- a of the New York Education Law and other New York statutes, the Regulations of the Commissioner of Education of New York, and Title VII of the federal Civil Rights Act of 1964 (42 US.C. §2000e-2), it is the policy of the Erie-2 BOCES not to discriminate on the basis of sex, race, creed, color, religion, national origin, disability, or marital status in admissions, employment, and treatment of students and employees in any educational program or activity.

II. Definitions:

For purposes of this code, the following definitions apply.

- **Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- **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 § 11.4 and Executive Law § 292.21).
- **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 § 11.4 and 1125.3).
- **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 § 11.6).
- **Harassment/Bullying** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety or emotional harm; or occurs off school property and creates or would foreseeable that conduct, threats, intimidation or abuse might reach school property; such conduct, verbal or nonverbal threats, intimidation or abuse includes but is not limited to conduct of verbal and non-verbal intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law § 11.7).
- **Cyberbullying** means harassment/bullying, as define above, through any form of electronic communication.
- **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 serve or pervasive as to unreasonably and substantially interfere with a student's education.
- **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", "Biracial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.
- **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.
- **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 § 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 § 11.5).
- **Violent student** means a student, prior to their twenty-second birthday who:
 - Commits an act of violence upon a school employee or attempts to do so.
 - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
 - Possesses, while on school property or at a school function, a weapon.
 - Displays, while on school property or at a school function, what appears to be a weapon.
 - Threatens, while on school property or at a school function, to use a weapon.
 - Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
 - 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, 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".
- **Dignity Act Coordinator (DAC)** means that as least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender identity.

III. Student Rights and Responsibilities:

A. Student Rights:

The Holland 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:

- Attend school in the district in which his/her parent or legal guardian resides.
- Express his/her opinions verbally or in writing when not in conflict with specifications in Section VI.
- Dress in such a way as to express his/her personality, when not in conflict with the school dress code as defined in Section VI.
- Expect that the school will be an orderly place for all students to gain an education.
- Be afforded due process in the event of disciplinary action brought against him/her including suspension and or expulsion.
- Be afforded equal and appropriate educational opportunities.
- Be afforded the opportunity to participate on athletic teams when academically eligible, regardless of sex, except pursuant to Regulations of the State Education Commissioner.
- Be afforded the opportunity to participate in extra-curricular activities, if academically eligible.
- 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.
- 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.
- Be free from unreasonable intrusion; see Section XII, upon his/her person or property by school personnel and/or police agencies.
- Be free from discriminatory practices.
- Be respected as an individual entitled to his/her personal dignity and integrity.
- Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Access to school rules and, when necessary, receive an explanation of those rules from school personnel.
- 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:

- Attend school daily, except when ill, and be on time to all classes.
- Express his/her opinions and ideas in a respectful manner so as not to slander or restrict the rights of others. (See Section VI)
- Dress so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting. (See Section V)
- Be aware of all rules and expectations regulating student behavior and conduct him/herself in accordance with these guidelines.
- Should be willing to volunteer information in disciplinary cases if he/she has knowledge of importance in such a case.
- Be aware of available educational programs in order to use and develop capabilities to a maximum.
- Be physically fit, prepared to participate, and have a positive attitude toward physical activity.
- Be aware of all rules and expectations governing participation and conduct his / herself in accordance with these guidelines.
- Be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- Be aware of the right to access information and guidelines governing such access.
- Be aware of actions that constitute serious and dangerous wrong-doing and refrain from such acts (possession of contraband, drugs, etc.).
- Refrain from participating in any discriminatory practices or harassment against others -students, teachers, custodians, etc.
- Demonstrate appreciation for the dignity and integrity of all community members.
- 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.

IV. Essential Partners:**A. Parents:**

All parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the district.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.

- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Understand the school district is not responsible for lost or stolen items.
- 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:

- 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.
- Be prepared to teach, pursue appropriate certification, and participate in professional development activities.
- Demonstrate interest in teaching, awareness and application of the NYS standards for learning at their assignment level, and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Communicate to students and parents:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- 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.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 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 are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.

- Be prepared to carry out job related responsibilities, pursue appropriate certification, and participate in professional development activities.
- Demonstrate interest in student well-being and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate appropriately to members of the school and greater community.
- 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.
- 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:

All Guidance Counselors, School Psychologist and County Support Personnel are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Maintain 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.
- 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:

All Principals are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 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.

- 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:

The Superintendent is expected to:

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

G. Board of Education:

The Board of Education is expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
- 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. The Dignity for All Students Act (DASA):

The Holland Board of Education is committed to providing an environment for all students that is free of bullying, cyber bullying, harassment and discrimination. 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, disabilities, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

"Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or

physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

- Unwanted teasing
- Threatening
- Intimidation
- Stalking
- Cyberstalking
- Cyberbullying
- Physical violence
- Theft
- Sexual, religious, or racial harassment
- Public humiliation
- Destruction of school or personal property
- Social exclusion, including incitement and /or coercion
- Rumor or spreading of falsehoods

“Harassment” means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.
- Has the effect of substantially interfering with a student's educational performance, or employee's work performance, or either's opportunities or benefits?
- Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being.
- Has the effect of substantially disrupting the orderly operation of a school and /or school district work environment.

“Cyberstalking” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

“Cyberbullying” is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (i.e. Snapchat, Facebook, Instagram, Twitter, etc.) chatrooms, “sexing”, instant messaging or video voyeurism.

“Bullying”, “Cyberbullying”, and / or “Harassment” encompasses:

- Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment or discrimination.
- Retaliation also includes reporting a baseless act of bullying, harassment or discrimination that is not made in good faith.

- Perpetuation of conduct listed in the definition of bullying, harassment and/ or discrimination by an individual or group with the intent to demean, dehumanize, embarrass or cause emotional or physical harm to a student or school employee by:
 - Incitement or coercion.
 - Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system.
 - Acting in a manner that has an effect substantially similar to the effect of bullying, harassment or discrimination.

“Bullying,” “Cyberbullying” “Harassment” and “Discrimination” also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: Sex, race, color, religion, national origin, age, disability (physical, mental or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation or social/family background.

“Accused” is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school –sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.

“Complainant” is defined as any District employee, consultant, contractor, agent, visitor, student or other person who formally or informally makes a report.

Dignity Act Coordinator (DAC)

In accordance with the Dignity for All Students Act, the Holland Central School District has at least one person in every school designated as the School Dignity Act Coordinator (DAC); thoroughly trained in trained to respond human relations in the areas of race, color, national origin, ethnic group, religion, religious practice, disabilities, sexual orientation, and gender identity and sexes.

Dignity Act Coordinator by school

- Jason Jacobs - High School
- Bryan Ford - Middle School
- Kelly Wetzler - H.O. Brumsted Elementary

VI. Student Use of Computerized Information Resources (Acceptable Use Policy)

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus, some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

Regulations will be established as necessary to implement the terms of this policy.

VII. Internet Safety/Internet Content Filtering Policy

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web *may* include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action;
- d) and

- e) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission. The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional

public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 United States Code (USC) Sections 254(h) and 254(l)

47 Code of Federal Regulations (CFR) Part 54

Education Law Section 814

NOTE: Refer also to Policy #7315 -- Student Use of Computerized Information Resources (Acceptable Use Policy)- *District Code of Conduct on School Property*

Internet Safety/Internet Content Filtering Guidelines

Internet access on the District's computer system is provided for staff and students as a means to enhance the educational mission and instructional programs of the School System, to further District goals and objectives, and to conduct research and communicate with others. In accordance with such educational mission and the instructional goals and objectives of the District, technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) will be utilized on all District computers with Internet access to ensure the integrity of educational services and to address safety concerns regarding the online activities of minors. In accordance with The Children's Internet Protection Act (CIPA), the term "minor" shall mean any individual who has not attained the age of seventeen (17) years.

Consequently, the District, unless an authorized "override" (i.e., disabling of the blocking or filtering measure) is permitted as enumerated below, will block or filter Internet access for **both minors and adults** to visual depictions that are:

1. Obscene (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
2. Child pornography (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
3. For computers used by minors with Internet access, are harmful to minors. The term "harmful to minors" is defined, pursuant to CIPA, as any picture, image, graphic image file, or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

In addition, the District will monitor, as deemed appropriate by the applicable building/program administrator and/or classroom teacher, access by minors to "inappropriate matter" on the Internet and

World Wide Web. Per CIPA, the District is authorized to filter or block Internet access to other material determined to be inappropriate for minors. The determination of what is "inappropriate" for minors shall be made in accordance with District guidelines and, as appropriate, on a case-by-case determination depending upon the factors such as the age of the student, the material involved, and the educational purpose/research for which such material is utilized.

However, no filtering or blocking technology has a one hundred percent (100%) guarantee that all sites accessed by staff and students are immediately filtered in compliance with law and District procedures. Consequently, if District personnel and/or students find an accessed site that is questionable, the procedure is to contact the appropriate supervisor/teacher who will notify the Superintendent/designee. The Superintendent/designee will contact, as appropriate, the service/ software provider and/or the District Technology Coordinator.

*However, under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor or other person authorized by the School District.

The District is not responsible for any inappropriate content or material which may be accessed via a staff member's or a student's own personal technology or electronic device or via an unfiltered Internet connection received through a staff member's or a student's own personal technology or electronic device.

Further, in order to help ensure the safety and security of minors when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications, appropriate supervision will be provided by a classroom teacher and/or other appropriate District personnel; and notification will be given to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students. Students will also be informed regarding unauthorized access to District computers and the Internet, including so-called "hacking," and other unlawful activities by minors online.

Parental and/or student consent, as may be applicable, shall be required prior to authorization for student use of District computers as a means to help ensure awareness/compliance with District rules and standards of acceptable behavior.

In accordance with New York State Education Law, the School District may provide, to students in grades kindergarten through twelve (12), instruction designed to promote the proper and safe use of the Internet. Schools must instruct students in appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, as well as providing education on cyberbullying awareness and response. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

In furtherance of the District's educational mission to enact safety measures to protect students when online, the District has adopted and will enforce its Internet Safety Policy that includes the operation of technology

protection measure(s) with respect to any of its computers with Internet access as mandated by CIPA and also in accordance with the District's Acceptable Use Policies and Regulations. The District shall enforce the operation of such technology protection measure(s) during any use of District computers in accordance with CIPA and applicable Board policies and building procedures.

Furthermore, in accordance with law, the District Technology Coordinator may access all staff and student files, email, and electronic storage areas to ensure system integrity and that users are complying with the requirements of CIPA and District policy and procedures. Additionally, dissemination and/or publication of the District's Acceptable Use Policy and Regulation will be utilized as one means to further ensure the implementation of safety measures and appropriate notification to staff and students as to acceptable, as well as prohibited, conduct when using District computers or accessing the Internet on such computers. The standards of acceptable use as well as prohibited conduct by staff and students when accessing District computers and the Internet, as outlined in the District's technology policies, are not intended to be all inclusive. Staff and students who commit an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action in accordance with law, the District Code of Conduct, and/or the applicable collective bargaining agreement. Legal action may also be initiated as deemed necessary by the Superintendent/designee.

Media Release (Publication of Photographs and Student Work)

As part of school activities, students may create work that teachers would like to share. Students may also have an opportunity to have their pictures taken or participate in a videotaped program demonstrating school experiences, training programs and classroom activities.

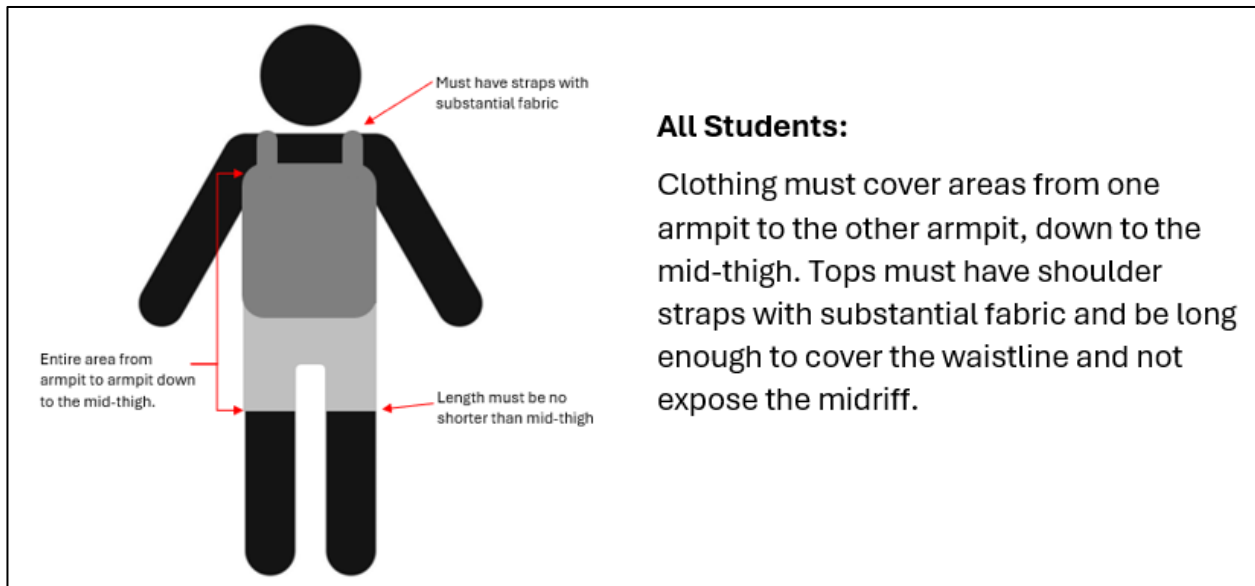
Unless parents “opt out” by indicating in writing that they do not give media release permission, their child’s work may be published in newsletters, print, on the Internet, CD-ROM and/or other electronic media. Published work may include art work, video, written documents or web pages created by the students and may include the student’s name. There will be no monetary compensation for use of student work. Parents and students should understand that this work may be viewed via the school district’s web site. The district has no control over who views the web site. Pictures or images of a student may be taken and used for appropriate educational purposes such as, but not limited to, school records, publications, extra-curricular activities, news releases, training videotapes, district and/or web site and video conferencing. I understand that, except in the print version (not Internet version) of the district newsletter and yearbook, only the student’s first name may accompany his/her picture when published. A student’s full name may only be used with an image when a parent and student authorize such by signing a release form. If parents do not wish the Holland School district to publish their child’s work, take and use still photos, videotape, digital and/or audio recordings of their child a letter must be sent to the Superintendent.

VIII. 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.

Expectations Regarding Student Dress and Attire:

- Students must wear clothing including a top with substantial material over both shoulders (for example: T-shirt, blouse, sweatshirt (a camisole shirt is considered an undergarment in the HS)) and a bottom (for example: pants, skirt, shorts, leggings), or the equivalent (for example: dress, romper), and footwear.
- Clothing must cover undergarments and the student's chest; midsection, including the stomach, back, midriff and ribcage; and pelvic region, including the pubic area, buttock, and gluteal fold. Bottom clothing must reach at least the mid-thigh.
- Clothing covering undergarments and the chest and pelvic areas must not be see-through.
- Clothing and footwear must be suitable for the student's scheduled classroom activities including physical education, science labs, wood shop, and other activities where unique hazards exist.
- Clothing's coverage of the body parts/undergarments noted above is based on their ability to do so during normal movements that are part of the school day (i.e.: walking, reaching, sitting, participating in physical education activities, etc.), not just standing still.

Prohibited Dress & Attire:

- Hats or headgear (including hoods and/or sunglasses) are prohibited. Exceptions may be granted for religious and/or medical reasons or for "special" circumstances (for example: Hat Day). Exceptions must be approved by the building administration or their designee.
- Coats and jackets (outerwear) are prohibited during the instructional day.
- Capes and cloaks of any material, including flags, are prohibited.
- Spandex shorts will be considered an undergarment rather than a piece of outerwear but are acceptable to be visible from underneath outerwear bottoms (i.e.: shorts, skirts, etc.). (Note: Exceptions to this are when worn at games/practices for athletics and inside the pool area)
- Clothing may not advertise or advocate the use of alcohol, tobacco, marijuana, or other controlled substances.
- Clothing may not depict pornography, nudity, or sexual acts.

- Clothing may not include or depict hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, disability, or any other protected status.
- Clothing may not threaten the health or safety of any other student or staff.
- Clothing may not promote and/or encourage illegal or violent activities.
- Clothing may not display profanity or euphemisms relating to anything prohibited in the code of conduct.

If a student's attire could reasonably lead to a substantial disruption of or interference with the school environment or threatens the health or safety of any other person, then discipline for dress or attire violations may be imposed. Any staff member who believes a student to be in violation of the dress code should report the violation to a building administrator or their designee. The determination as to whether a student is in violation of any portion of the dress code will be at the sole discretion of building administration or designee.

Building administrators, or their designee, have the authority to require a student to change, cover, remove, replace or modify their attire should the administrator deem the attire inappropriate under the dress code. 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.

IX. 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.
 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 including any off-campus misconduct that disrupts the educational process or normal operation of the school.
 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, 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, wearable devices/smart wearables, including smart watches, video game systems, 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.
- 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. Tardiness, 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 or staff 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, including false reporting against others.
 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, forwarding, or soliciting sexually explicit photos, videos or messages from a mobile phone, computer or other electronic device is 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, receiving, or soliciting 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, e-cigarettes, vapor cigarettes, or using chewing or smokeless tobacco.
 13. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, e-cigarettes, vapor and tobacco products 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 possessing, 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.

18. Failure to adhere to video conferencing expectations stated in student handbook.

19. Unacceptable public displays of affection include, but are not limited to, any prolonged embracing and/or kissing, inappropriate touching, and touching of a sexual nature.

G. Engage in misconduct while on a school bus.

1. 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. All areas of the Code of Conduct pertain to the bus as well.

H. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating, including, but not limited to, the use of artificial intelligence to complete assignments.
3. Copying.
4. Forgery
5. Altering records.
6. Assisting another student in any of the above actions.

I. Engage in any form of misconduct regarding cell phone and electronic devices, including those that belong to the Holland CSD. Examples of forms of misconduct regarding cell phone and electronic devices include, but are not limited to:

1. The expectation of all Holland CSD students is that students will engage in responsible, ethical and legal cell phone use at all times. Cell phones are not allowed during the instructional day, which includes study hall and lunch, unless the teacher/school staff has allowed student use. Student cell phones must remain in student lockers or at home during

the instructional day. Students are not permitted to keep their cell phone on their person during the instructional day.

2. **Students MAY NOT take pictures of or record students, teachers, or anyone at any time without their permission. The use of any recording device in the bathrooms or locker rooms is strictly prohibited at any time.**
 3. Earbuds and headphones may not be worn in the hallway during passing time as they pose a safety hazard. Students should be able to hear announcements being made over the loudspeaker.
 4. Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, smart watches, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in the classrooms.
 5. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers, or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept in the student's locked locker during the school day. If a student is asked to place their cellphone in an area designated by the classroom teacher, the student is expected to do so. Refusal to do so may result in disciplinary action.
 6. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- J. Possession of contraband materials. Examples of contraband materials include, but are not limited to:
1. Personal medication (cough syrup, Tylenol, prescription medication) other than inhalers prescribed by physicians for respiratory distress which must be used immediately.

X. 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.

XI. 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. Any disciplinary penalties contained in this Code of Conduct are reviewed annually to ensure accordance with New York State Education Law, Positive Behavioral Interventions and Supports (PBIS), and Restorative Practices.

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

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. After careful consideration of all circumstances surrounding the incident, school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

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

1. Restorative Conversation- any member of the district staff

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

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 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 and a Discipline Referral will be sent to the parents. Lunch or free time detention will be imposed when after school detention or more serious consequences are not deemed appropriate at the Elementary level.

a. Detention

1. Elementary School Detention will be arranged between parent/guardian and principal.
2. Detention at the Middle/High School level will have two levels, one hour and two hours depending on the circumstances of the student infractions. The district will transport students home from one hour detention, however, parents will be responsible for pick-up

from two hour detention. In the High School and Middle School, students should report to the Main Office before detention at the end of the school day after obtaining all materials they will need to work.

3. Cellphones will be collected and kept secure until the end of student's scheduled detention. Students will not be allowed to use electronics unless there is a specific assignment that require their use.
4. 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.
5. Students who are disruptive or refuse to cooperate with the teacher will be immediately removed from the room and subject to further disciplinary action.
6. Failure to report to detention will result in being charged with insubordination. Students will be assigned a more severe discipline and will also make up the detention that was missed.
7. Transportation will be provided home after detentions are served.
8. Lunch detention or free time detention is also utilized at the elementary level. 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. In-School Suspension

- a. Students who are assigned to In-school suspension will report to the main office at the start of the school day.
- b. Cellphones will be collected and kept secure until the end of the school day.
- c. Students will complete classwork assigned according to the student's daily academic course schedule.
- d. Students will have their lunch in the assigned In-school suspension room. Students will be escorted to the restroom when needed.
- e. Students who are disruptive or refuse to cooperate with the teacher will be immediately removed from the room and subject to further disciplinary action.

3. 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.

4. Suspension from athletic participation, extracurricular 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.

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.

- a. 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.

1. 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.
2. The teacher must complete a district-established disciplinary referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's 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.

- b. 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. Students and parent/guardian are required to have a re-entry meeting with their building principal before returning to school.

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

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:

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

4. Out-Of-School Suspension

- a. Students assigned out-of-school suspension are not permitted to attend any school functions or participate in extracurricular activities during the term of the suspension. Students 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
 - i. Counseling

The Guidance Office or Student Study Team (Jr/Sr High school) shall handle all referrals of students to counseling. The Child Study team or elementary principal shall handle all referrals of students to counseling in the elementary building.
 - ii. 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.
 - iii. Juvenile Delinquents and Juvenile Offenders
 - a. The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - b. Any student under the age of 16 who is found to have brought a weapon to school, or
 - c. 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.

XII. 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.

XIII. 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.
 - i. “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 pocketknife with a blade of less than 2 ½ inches in length.”
 - ii. “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.
 - iii. “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:
 - i. conducted an individual evaluation & determined that the student is not a student with a disability, or
 - ii. 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.
4. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. 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.
6. 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.
7. 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.
8. 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.
2. 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.

3. 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.
4. 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.

XIV. 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.

XV. 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, the district Code of Conduct, or Student Handbook.

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 any or all of his or her clothing, other than an outer coat/jacket, sweatshirt, or footwear. The use of strip searches is strictly prohibited. The only exception to this rule is when there is an imminent threat to one's safety or the safety of others, in which case law enforcement will be contacted.

C. School Searches

To promote school security, to ensure the safety of students, faculty, staff members and to prevent disruptions to the learning environment, random school and school ground searches by school officials or police authorities (including K-9 units) will be permitted. This will include lockers, desks and other student storage areas. If reasonable cause is warranted, a student's or visitors car may be searched while on school property in all instances with or without police authorities.

D. 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. Any dangerous or illegal materials that have been confiscated and not already been turned over to law enforcement shall be discarded by the district after five days unless requested to be returned by the parent/guardian. At no time will these items be returned to the student.

E. Alcohol or Other Prohibited Substances

If the District confiscates a liquid or powder from a student, the District may, at its discretion, use reasonable means to determine whether it is alcohol without obtaining parental consent. If the District confiscates unprescribed medication from a student, the District will assume the medication is illicit drugs, and the student will be disciplined accordingly. If the District confiscates drug paraphernalia from a student, the student may be disciplined for possession of illicit drugs.

Family Court Act Section 1024

Education Law Sections 1604(9) and (30), 1709(2) and (33) and 2801

8 New York Code of Rules and Regulations

(NYCRR) Section 100.2(1)

F. 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:

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

G. 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.

XVI. 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 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 office of the principal upon arrival at the school. There they will be required to sign the visitor's register, provide valid ID, and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's 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) and building principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the 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.

XVII. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel. The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, 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) e-cigarette or vapor cigarettes 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.