

Broadalbin-Perth Central School District

Code of Conduct & Integrated Board Policies

Integrated Policies: 7313 (Suspension), 7320 (Alcohol/Drugs/Tobacco), 7330 (Searches & Interrogations),
7360 (Weapons/GFSA), 7553 (Hazing)

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I. Introduction

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

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

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

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

II. Definitions

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

“Disability” shall mean:

a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or

a record of such an impairment; or

a condition regarded by others as such an impairment.

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.

“Discrimination” is the act against any student, by employees or students, parents or visitors on school property, or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse of such a severe nature that:

Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include but is not limited to threats, 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; provided nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a persons’ gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of

1972 (20 U.S.C. Sec. 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

“Employee” shall mean 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 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to the district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Gender” shall mean actual or perceived sex and shall include a person’s gender identity or expression.

“Harassment” Includes the creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior (including verbal threats, intimidation or abuse) may be based on any characteristic, including but not limited to a person’s actual or perceived:

Race;

Color;

Weight;

National Origin;

Ethnic Group;

Religion;

Religious Practice;

Age;

Disability;

Sex;

Sexual Orientation; or

Gender (including gender identity and expression)

“Intimidation” means to make a student feel timid, fearful, frighten or to compel or deter by the use of threats.

“Parent” means parent, guardian or person in parental relation to the student.

“School Property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the Broadalbin-Perth CSD, or in or on a school bus.

“School Bus” means every motor vehicle owned by the Broadalbin-Perth Central School District or private charter company and operated for the transportation of pupils, children of pupils, teachers, and other persons

acting in a supervisory capacity, or to/from school activities; or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School Function” means a school-sponsored extra-curricular event or activity.

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

“Violent Student” means a student under the age of 21 whom:

Commits an act of violence upon a teacher, administrator, or other school employee; or who while on school property does so upon another student or any other person lawfully there;

while on school property possesses a gun, knife, explosive, or incendiary bomb, or other dangerous instrument capable of causing physical injury or death or displays;

threatens to use any instrument that appears capable of causing physical injury or death; or knowingly and intentionally damages or destroys district property or the personal property of a teacher, administrator, other school district employee or any person lawfully on school property.

“Weapons” means a firearm as defined in 18 USC S921 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.

III. Student Rights and Responsibilities

Students Rights

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

Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.

Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

Access 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, religious practice, sex, gender, including gender identity, sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity.

Student Responsibilities

All district students have the responsibility to:

Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.

Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.

Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.

Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.

Follow direction given by teachers, administrators and other school personnel in a respectful, positive manner.

Work to develop mechanisms to control their anger.

Ask questions when they do not understand.

Seek help in solving problems that might lead to discipline

Dress appropriately for school and school functions.

Accept responsibility for their actions.

Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination.

IV. Essential Partners

The Board of Education recognizes the essential roles of all members of the school community, including parents, students, administrators and principals, teachers, guidance counselors, support staff and other school personnel in promoting a positive, healthy and harassment free environment. Collaboration is essential in promoting and fostering a school environment that promotes tolerance, respect and dignity for all persons within the school community. School administrators, teachers, staff and other school personnel are charged with providing an age appropriate and timely response to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

Parents

All parents are expected to:

Recognize that the education of their child 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.

Attend the informal conference if their child has been removed from class for being disruptive to the educational process.

Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

Non-Instructional Staff

All district non-instructional staff are expected to:

Contribute to the educational process and student achievement.

Build good relationships with administration, teachers, parents and children.

Assist in maintaining a climate of mutual respect and dignity throughout the district.

Know school policies and rules and assist in enforcing them in a fair and consistent manner.

Interscholastic Coaches and Extra-Curricular Advisors

All district interscholastic coaches and Extra-Curricular Advisors are expected to:

Create a practice/game environment that is conducive to learning.

Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

Address personal biases that may prevent equal treatment of all student-athletes or extra-curricular activity participants in the school or classroom setting;

Report incidents of discrimination and harassment that are witnessed or otherwise brought to a coach's or extra-curricular activity director's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Maintain a climate of mutual respect and dignity, which will serve to strengthen the athlete/participant's self-concept and promote confidence.

Demonstrate an interest in teaching and a concern for the athlete/participant's achievement.

Maintain regular communication with all athletes, participants, parents, and administrators. Communicate the following to parents athletes and participants:

Team/activity rules and requirements

Academic policies

Expectations of the athlete or participant

Team/activity discipline and consequences for team/activity rules infractions

Practice and game expectations

Coaching and team philosophies

Teachers

All district teachers 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 teach.

Demonstrate interest in teaching and concern for student achievement.

Know school policies and rules, and enforce them in a fair and consistent manner.

Communicate to students and parents:

Course objectives and requirements

Marking/grading procedures

Assignment deadlines

Expectations for students

Classroom discipline plan

Communicate regularly with students, parents and other teachers concerning growth and achievement.

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 in a timely manner.

School Counselors

All district school counselors 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 and 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 a counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Social Workers

All district social workers are expected to:

Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems, including attendance issues.

Work collaboratively with outside agencies to assist in solving family issues.

Principals

All district 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 for redress of grievances.

Evaluate on a regular basis all instructional programs.

Support the development of and student participation in 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 and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen student's 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).

Superintendent

The district superintendent is expected to:

Promote a safe, orderly, and stimulating school environment, 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 school 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.

Promote a safe, orderly, respectful, and positive school environment, free from intimidation, harassment, and discrimination.

Board of Education

The board of education is expected to:

Collaborate with students, teachers, administrators, 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, courteous manner.

Appoint a Dignity Act Coordinator (DAC) in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in areas of actual or

perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity, and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

V. Student Dress Code

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

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

Be safe, and appropriate, and not disrupt or interfere with the educational process.

Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), and see-through garments are not appropriate.

Ensure that underwear is completely covered with clothing.

Include footwear at all times. Footwear that is a safety hazard will not be allowed. Shoes with rolling devices (Healies) are strictly forbidden.

Not include the carrying of book bags and/or any other storage bag, including oversized pocketbooks upon entry into the school building, until the end of the school day.

Not include the wearing of winter coats and/or outerwear garments upon entry into the school building, until the end of the school day.

Not include items that are vulgar, obscene, libelous, or denigrate others on account of actual or perceived race, color, religion or religious practice, weight, national origin, gender, sexual orientation, sex, or disability.

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

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

VI. Prohibited Student Conduct

Student conduct in the Broadalbin-Perth School District is based upon three basic premises:

Respect Yourself

Respect Others

Respect Property

Proper student conduct underlies the whole education structure and allows teaching and learning to take place. The ultimate goal is for each individual to take responsibility for his or her actions, and to become a self-disciplined person. Based on the district philosophy regarding proper student conduct, the rules of conduct listed below are intended to focus on safety and respect for the rights and property of others. Students who violate school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

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

- Running in hallways.

- Making unreasonable noise.

- Using language or gestures that are profane, lewd, vulgar or abusive.

- Obstructing vehicular or pedestrian traffic.

- Engaging in any willful act which disrupts the normal operation of the school community.

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.

Computer/electronic communications misuse, including any unauthorized use of cell phones, computers, software, or internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network, instant messaging or any other violation of the district's acceptable use policy.

Bullying, harassment, and/or discrimination, which includes the creation of a hostile environment by conduct, intimidation through verbal, non-verbal and/or electronic threats or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or fear for his or her physical safety. Harassing behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender and gender identity.

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

Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.

- Lateness for, missing or leaving school without permission.

- Skipping class or detention.

- Demonstrating disrespect or lying to school personnel.

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

Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

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

Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, biting and scratching) upon a teacher, administrator, or other school employee or attempting to do so.

Committing, threatening or attempting 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.

Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

Displaying what appears to be a weapon.

Threatening to use any weapon.

Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.

Intentionally damaging or destroying school district property.

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

Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.

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.)

Discrimination, based on a person's actual or perceived race, age, sexual orientation, disability, including use of a recognized guide dog, hearing dog or service dog, color, creed, 10 national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, as a basis for treating another in a negative manner.

Harassment, is the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, physical or emotional well-being based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, marital or veteran status. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort.

Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, afflicting with or maintaining membership into any school sponsored activity, organization, club or team.

Reckless or unlawful driving.

Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.

Downloading, selling, using or possessing obscene material.

Using vulgar or abusive language, cursing or swearing.

Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.

Using THC or nicotine vapes, dab pens, or any product that contains THC or nicotine. Vape sensors are installed in various locations throughout the secondary campus to detect vaping by sensing the chemicals and particles released when vapes are used.

Possessing, consuming, selling or attempting to sell, distributing or exchanging alcoholic beverages or illegal substances or legal prescription medications, or being under the influence of such. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

Possessing, distributing, or selling drug, alcohol, or tobacco paraphernalia.

Illegally using, possessing, selling, distributing, or sharing prescription and over-the-counter drugs.

Gambling.

Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

Violating gender privacy when using school restroom facilities.

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

Engage in any form of academic misconduct. Examples of academic misconduct include:

- Plagiarism.

- Cheating.

- Copying.

- Altering records.

- Assisting another student in any of the above actions

Student Spectators

As a participating member of NYSHPHAA Section II, the district enforces all Section II athletic competition spectator rules. All students are expected to exhibit proper conduct, as prescribed by the student code of conduct, at all school-sponsored, extracurricular activities. Students who violate school rules, at such events will be subject to disciplinary action, up to and including suspension from school.

A student taking and/or distributing pictures or videos

Due to the privacy rights of all students and faculty, no student shall take and/or distribute any picture or video at any time while in Broadalbin-Perth Schools.

Failure to comply will result in an immediate discipline referral to administration and may result in in-school or out-of-school suspension.

VII. Cell Phone and Internet Enabled Devices

Per the Distractions-Free Schools law, students are not allowed to have any internet enabled device on their person including, but not limited to, cell phones, smart watches, iPads, during the instructional school day. According to the law, students are "authorized to have access to internet-enabled devices officially provided by their school for classroom instruction, such as laptops or tablets used as part of lesson plans."

Consequences

Students caught with an internet-enabled device during the instructional day:

First Offense: Administration, teachers, or support staff confiscate the device and put it in a locked cell phone storage container in the main office. The student can retrieve their device at the end of the instructional day.

Second Offense: The student brings their internet-enabled device directly to the main office for one full week upon entering the school where it will remain in a locked cell phone storage container until the end of the instructional day.

Third Offense: The student brings their internet-enabled device directly to the main office until the end of the next progress report date or end of the next marking period upon entering the school where it will remain in a locked cell phone storage container until the end of the instructional day.

VIII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the principal of the building 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, 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 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 designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

Any student observing a student being harassed or discriminated against by another student or a staff member shall report this information immediately to a teacher, the Principal, the Principal's designee, the Superintendent of Schools, or the Dignity Act Coordinator.

Staff who know or reasonably should know of possible harassment or discrimination by students, employees, or third parties, must take immediate and appropriate action to comply with the requirements set forth in this policy, as well as District Policy #3240 and Regulation 3240-R. Such requirements include the obligation to report the incident to the Principal, the Principal's designee, the Superintendent of Schools, or the Dignity Act Coordinator. Following the report, the District shall investigate or otherwise determine what occurred and should take prompt and effective steps reasonably calculated to end the harassment or discrimination, eliminate any hostile environment, and prevent the conduct from reoccurring.

Intervention for Harassment and Discrimination

Intervention by knowledgeable and trained individuals is an important step in preventing the escalation of harassment and discrimination and may lead to the resolution of issues at an early stage. Staff intervention towards incidents of discrimination and harassment will emphasize measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees.

Successful intervention may involve remedial measures. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remediation may be targeted to the individual(s) involved in the harassing or discriminatory behavior or may include environmental approaches which are targeted to the school or district as a whole. Individual-focused remedial measures may include, but are not limited to peer support groups; corrective instruction or other learning or service experience; supportive interventions; behavioral assessment or evaluation; behavioral management plans with closely monitored benchmarks; student counseling and parent conferences. Environmental remediation strategies may include supervisory systems that empower school staff with prevention and intervention tools to address incidents of bullying and harassment; strategies for determining the conditions contributing to discriminatory behaviors; adoption of research-based, systemic harassment prevention programs; modification of schedules; adjustment in hallway traffic and other student routes of travel; targeted use of monitors; staff professional development; parent conferences; involvement of parent-teacher organizations and peer support groups.

In addition to addressing the discriminatory or harassing conduct, intervention shall also include support and assistance to the student that was the target of the harassment as well as identification of prompt and effective steps reasonably calculated to end the harassment; to eliminate any hostile environment and to prevent such conduct from reoccurring. When harassment has occurred, staff, in conjunction with the 13 DAC, the parents and the student, as appropriate, shall review whether the student requires counseling support,

accommodations or other services to remedy the effects of the harassment and, if such a need exists, shall arrange for the appropriate services or supports. Accommodations and on-going supports provided to a target of harassment shall be reviewed, as needed, to ensure that any safety concerns have been addressed and to determine whether accommodations or supports should be continued, adjusted or discontinued.

In addition to the foregoing, students and staff are referred to District Policy #3240 and accompanying Regulation #3240-R, for a full recitation of their rights and obligations relating to discrimination and harassment. Policy #3240 and Regulation #3240-R, which are incorporated herein by reference, provide for the reporting of incidents of harassment and discrimination arising from dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, guests and other third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

Students and staff should refer to those documents for a comprehensive recitation of the District's investigation procedure, which provides for, among other things, the right of parties to present witnesses and documentation relating to the alleged harassment and/or discrimination, as well as the right to a written determination regarding the outcome of any investigation. Specific timeframes relating to investigations into claims of discrimination and harassment are also set forth in those documents.

Retaliation Prohibited

Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior is strictly prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the Federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

IX. Disciplinary Penalties, Range of Penalties, Procedures & 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 student's 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:

The student's age

The nature of the offense and the circumstances that led to the offense.

The student's prior disciplinary record.

The effectiveness of other forms of discipline.

Information from parents, teachers and/or others, as appropriate.

Other extenuating circumstances.

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

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

Students found guilty of harassment or discrimination may be referred for counseling.

Range of Penalties

Students who are found to have violated the district's code of conduct may be subject to penalty, either alone or in combination. The following list provides examples of such penalties:

Verbal warning

Written warning

Written notification to parents

Detention or 9th period academic make-up

Suspension from transportation

Suspension from athletic participation

Suspension from social or extracurricular activities

Suspension of other privileges

In-school suspension

Reduction in assigned grade

Removal from classroom by teacher

Short-term suspension from school

Long-term suspension from school

Permanent suspension from school

Each penalty will be imposed consistent with the student's right to due process.

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 notification, or written/telephonic notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

Detention/Academic Make-Up

After-school detention will be used as a penalty for student misconduct in situations where removal from class or suspension is inappropriate. If necessary, the school will provide transportation home to all students who are required to serve such a penalty.

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 administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building administrator or the superintendent or their designees. In such cases, the student's parents 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 under 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 administrator or designee to discuss the conduct and the penalty involved.

Suspension from athletic participation, extracurricular activities, and other privileges

A student subjected to suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing under 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 administrator or designee to discuss the conduct and the penalty involved.

In-school suspension

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

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

Teacher disciplinary removal of disruptive students

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.

In most instances the classroom teacher can control a student's behavior and maintain a positive classroom atmosphere by employing sound classroom management techniques. These techniques include, but are not limited to the following:

- short term "time-out";
- sending a student to an administrator's office; or
- sending a student to a school counselor or other district employees.

Time-honored classroom management techniques such as these do not constitute disciplinary removal for purposes of this code.

It is also highly suggested that classroom teachers employ the following corrective techniques before a removal occurs:

- Employment of a classroom management plan
- Documentation
- Parental contact
- Contact with building administrator

If a removal occurs, the following must take place:

The teacher must provide the student with an explanation of 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.

The teacher must complete a disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstance surrounding the removal and to present the removal form. Within 24-hours after the student's removal, the principal or designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parents that they have the right, upon request, to meet informally with the principal or the designee to discuss the reasons for the removal.

The written notice will be delivered by the district's courier service to the last known address for the parents. Where possible, notices will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

When possible, 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 designee must explain why the student was removed and give the student's parents an opportunity 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 meeting may be extended by mutual agreement of the parent and principal.

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

The principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of the business day following the 48-hour period for the informal conference, if a conference is requested. The principal or designee may overturn the removal of the student from class if the principal finds any one of the following:

The charges against the student are not supported by substantial evidence.

The student's removal is otherwise in violation of law, including the district's code of conduct.

The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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 is being removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

Suspension from School

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

The board retains its authority to suspend but places responsibility for the suspension of students with the superintendent and the building principals.

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

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 of

the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

After the conference, the principal shall promptly advise the 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. If the student's presence in school poses an ongoing threat of disruption, the student will remain on suspension throughout the appeal process. 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 suspension from school (more than 5 days):

When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their rights 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 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 proceedings 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 which will make its decision based solely on 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 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. The permanent suspension will be in compliance with section §3214 of the Education Law and will be determined through a superintendent's hearing.

Minimum Periods of Suspension

Students who bring a weapon to school:

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student's age.

- The student's grade in school.

- The student's prior disciplinary record.

- The superintendent's belief that other forms of discipline may be more effective.

- Input from parent, teachers and/or others.

- Other extenuating circumstances.

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

Students who commit violent acts other than bringing a weapon to school:

Any Student, other than a student with a disability, who is found to have committed a violent act as defined by the NYS Education Department as:

- involving infliction of a serious physical injury upon another as defined in the NYS Penal Law; or

- a sex offense that involves forcible compulsion; or

- any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon.

Other than bringing a weapon onto school property, shall be subjected to suspension from school for at least three days, but no more than five days. If the proposed penalty is the minimum three-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 a 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 long-term suspension. The superintendent has the right to modify the minimum three-day suspension on a case-by-case basis.

Referrals

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 treatment by:

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

Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

Knowingly and unlawfully possesses marijuana in violation of Penal Law S 221.05. A single violation of S 221.05 will be a sufficient basis for filing a PINS petition.

Juvenile Delinquents and Juvenile offenders

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

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

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

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

X. Dangerous Weapons in School

No student shall have in his or her possession while on school property or in any school building, any rifle, shotgun, pistol, revolver, other firearm, knives, dangerous chemicals, explosives or any object which is not necessary for school activities and which could be used as a weapon. This shall include, but shall not be limited to, possession of a firearm or weapon on their person or in an automobile, backpack or locker. A "firearm" under this policy is any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; frame or receiver of such weapon; any firearm muzzle or silencer; or any destructive device. A billy club blackjack, bludgeon, metal knuckles, razor, imitation pistol or any other dangerous or deadly instrument or object which is not necessary for school purposes and which could be used as a weapon.

Once a determination is made that a student brought a weapon to school, the Superintendent may refer the student to the appropriate law enforcement agency. The parents of the student will be notified subsequent to the notification of law enforcement.

Pursuant to the New York State Guns in Schools Act, any student found to be in the possession of a weapon will be suspended from school for a period of not less than one year, except that the Superintendent of Schools may modify such penalty upon consideration of the particular facts of the case, including but not limited to the totality of the circumstances surrounding the offense and the student's previous record.

Such consideration will be had within the context of a disciplinary hearing held under Education Law §3214 before the imposition of any student suspension over five (5) days. This policy shall not override or alter any obligation of the District to provide the suspended student with appropriate alternate education during the period of his/her suspension if required.

All individuals, other than authorized law enforcement personnel, are strictly forbidden to possess a weapon on school district property, in school buildings or vehicles, or at school-sponsored events or activities. An individual improperly possessing a weapon will be asked to leave the premises and the proper law enforcement personnel will be immediately notified. If the individual is a District employee, (s)he will also be subject to discipline under the law and any applicable collective bargaining agreement provision. If the individual is a student, (s)he will be subject to applicable discipline pursuant to the New York State Guns in Schools Act, the New York State Education Law, and the Student Disciplinary Code as well as appropriate criminal action.

XI. Alternative Instruction

When a teacher removes a student of any age from class or a student of compulsory attendance age (age 6 through the end of the school year turned age 16) is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student of NYS Education Department compulsory age.

The Broadalbin-Perth Central School District utilizes the alternative education programs explained below:

In-school Suspension

Utilized for students who act out within the classroom setting or violate the code of conduct.

Students are assigned to a room where they are isolated from other students under the supervision of a teacher or teacher's assistant/aide.

Students are allowed to complete all academic work that they would complete in a regular classroom setting.

An individual may be assigned in-school suspension up to a maximum of five days for each incident.

Out of School Suspension

Students who are suspended from school may access tutoring through the out-of-school tutoring program. Tutoring will take place from 2:30 p.m.- 4:30 p.m.

Alternative Education Programs Administered by BOCES

A student who is at risk as a potential dropout may be admitted to this program.

The school counselor, principal and parents will need to discuss the educational ramifications of such a placement.

The alternative education principal and his staff will be involved in the decision-making process.

XII. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities 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

For this section of the code of conduct, the following definitions apply. A “suspension” means a suspension under 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.

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

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

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

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

The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 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.

“weapons” means the same as “dangerous weapon” under 18 U.S.C. S 930 (g) (w) which includes “ a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...(for) a pocket knife with a blade of less than 2 ½ inches in length.

“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.

“Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law 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

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

for more than 10 consecutive school days; or

for a period of 10 consecutive 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.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary charge 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 suspension 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

The district's Committee on Special Education shall:

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 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.

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.

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 the 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 the 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.

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.

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:

conducted an individual evaluation and determined that the student is not a student with a disability, or

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 behavior.

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.

The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current

educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

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

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.

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.

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 25 disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the students disability.

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

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

The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

The parents request such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to the removal to the IAES, except where the student is again placed in an IAES.

E. Referral to law enforcement and judicial authorities.

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

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.

The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XIII. Student Searches and Interrogations (Board Policy 7330)

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 environment, any school official authorized to impose a disciplinary penalty may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to “Miranda” warnings 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 inform students of the reason for questioning.

Searches based on reasonable suspicion. The Superintendent and building principals are authorized to conduct searches of students and their belongings when there is reasonable suspicion that the search will yield evidence that the student violated the law or the Code. Searches will be no broader than necessary to locate the evidence sought, and, whenever practicable, will be conducted privately with the student present. Minimal, non-intrusive inspections (e.g., touching the outside of a bag) may occur without reasonable suspicion when there is a legitimate safety reason. Reliable information from staff or credible third parties may establish reasonable suspicion.

Vehicles on school property. The principal or designee may search a student vehicle on school property where there are reasonable grounds to suspect possession or use of prohibited substances or items.

Lockers, desks, and school storage. Students have no reasonable expectation of privacy in school-provided storage. Such areas may be searched at any time without notice or consent.

Documentation. The official conducting any search will promptly document: student name/age/grade; reasons and purpose; informant(s), if any; time/place; scope; personnel/witnesses; results; disposition of items; and parent notification. Confiscated illegal or dangerous items will be labeled and secured until turned over to law enforcement.

Police involvement. Law enforcement (including K-9 units) may enter school property to question/search students or conduct investigations if they have a warrant, probable cause a crime occurred on school property, or an invitation from school officials. Prior to any questioning/search by police, the principal/designee will make reasonable efforts to notify parents so they may be present; if a parent cannot be reached, the questioning/search will not proceed for students under 16. Students 16 or older may be questioned without parent presence. The principal/designee will be present during any police questioning/search on school property, and students retain their legal rights (to be informed of rights, to remain silent, and to request counsel).

Child Protective Services (CPS). The District will cooperate with CPS interviews on campus related to suspected abuse/neglect/custody. Requests must go to the principal/designee, who will set time/place and be present. If verification of injuries requires clothing removal, a school nurse or medical staff of the same sex will be present for that portion. CPS may remove a student without a court order only where the worker reasonably believes the student would be in danger if not removed immediately, following confirmation with a DSS supervisor.

XIV. Hazing of Students (Board Policy 7553)

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behaviors that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Hazing of a student refers to soliciting, encouraging, aiding, or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.

Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions.

Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the District Code of Conduct and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the Building Principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle Blower" Protection)

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

Knowingly Makes False Accusations

Students who knowingly make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

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

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

XV. Alcohol, Tobacco, Drugs, and Other Substances (Board Policy 7320)

The Board recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community.

Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school sponsored function, on school grounds, and on school buses at all times. The unauthorized use of prescription and over-the-counter drugs is also prohibited.

Students will not be under the influence of alcohol or other prohibited substances on school grounds or at school sponsored events. A school sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

Smoking

Smoking will not be permitted and no person will smoke within 100 feet of the entrance, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property.

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. Should a student be found in possession of any such substance, he or she will be disciplined in accordance with the District Code of Conduct.

Disciplinary Measures

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs will be outlined in the District Code of Conduct.

XVI. Weapons in School and the Gun-Free Schools Act (Board Policy 7360)

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any “firearm” or “weapon” on school property, on a school bus or District vehicle, in school buildings, or at school sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with State and Federal law and the District’s Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a “weapon” or “firearm” to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term “weapon” will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term “firearm” will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

XVII. Visitors to School

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 school:

Anyone who is not a regular staff member or student of the school will be considered a visitor.

All visitors to the school are to report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.

Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal and classroom teacher(s), so that class disruption is kept to a minimum.

Teachers are expected not to take class time to discuss individual matters with the visitor.

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.

All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XVIII. Public Conduct On School Property

The Board of Education recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. Any action by an individual or groups aimed at disrupting, interfering with or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to affect this policy as required by Education Law Section §2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

Public Conduct on School Property Regulation

These rules govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other

premises or property under the control of the district and used in its teaching programs, and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

Prohibited Conduct

No person, either singly or in concert with others, shall:

Willfully cause physical injury to any other person nor threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;

Physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 7350, Corporal Punishment Policy;

Willfully damage or destroy property of the district or property under its jurisdiction, nor remove or use such property without authorization;

Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;

Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;

Without authorization, remain in any building or facility after it is normally closed;

Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;

Obstruct the free movement of persons and vehicles in any place to which these rules apply;

Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings of deliberately interfere with the freedom of any person to express his/her views, including invited speakers;

Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon, dangerous chemicals, explosives or any object which is not necessary for school activities and which could be used as a weapon, without the written authorization of the Superintendent of Schools, whether or not a license to possess the same has been issued to such person;

Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; and/or

Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, religion or religious practices, age, gender, gender identity or expression, sexual orientation or disability on school grounds or at a school function.

This statement of behavior is not conclusive nor limited to other prohibited conduct found in policy handbook of conduct. Section II rules are in effect at all times.

Penalties and Procedures

A person who violates any of the provisions of these rules shall be subject to the following penalties and procedures:

If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.

If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.

If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by section §3214 of the Education Law and he/she shall be subject to ejection.

If a tenured faculty member, he/she shall be subject to ejection, warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with 3020-a of the Education Law.

If a staff member in the classified service of the civil service, he/she shall be Subject to the penalties and procedures prescribed in section 75 of the Civil Service Law and be subject to ejection.

If a staff member other than one described in subdivisions 4 and 5, he/she be Subject to dismissal, suspension without pay or censure and be subject to ejection.

Other penalties as prescribed by law and/or policy shall apply.

Enforcement Program

The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or the property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.

The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

XIX. Corporal Punishment

No teacher, administrator, officer, employee, or agent of the Broadalbin-Perth Central School shall use Corporal Punishment against a pupil. Corporal Punishment is prohibited in the Broadalbin-Perth Central School District.

The term Corporal Punishment shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Corporal Punishment shall not mean the use of reasonable physical force for any of the following purposes:

- to protect oneself from physical injury;

- to protect another pupil or teacher or any other person from physical injury.

- to protect the property of the school or of others; or Corporal punishment shall not mean the use of reasonable physical contact to restrain a pupil from leaving the immediate area where he is receiving directions, counsel or a reprimand

Reporting Process

any complaint about the use of corporal punishment by a staff member is to be reported in writing to the Superintendent.

the Superintendent or his designee will investigate the complaint.

where a violation of the district's corporal punishment policy is found, the Superintendent will take appropriate disciplinary action.

A report of the resolution of the complaint will be sent to the complainant and the Board of Education.

A file of the complaint and its resolution will be kept in the district's office.

XX. Suspension of Students (Board Policy 7313)

Suspension

Five (5) School Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and the parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

More Than Five (5) School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

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

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes

with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner. A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

By the Superintendent to change the placement to an interim alternative educational setting (IAES);

By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

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

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

During subsequent suspensions or removals for periods of ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one (1) of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

During suspensions or other disciplinary removals, for periods in excess of ten (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to

progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. The IAES and services shall be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

- Substantial risk of death;

- Extreme physical pain; or

- Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension from BOCES

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

XXI. Dissemination and Review

The board will work to ensure that the community is aware of the code of conduct by:

Providing copies of a summary of the code of conduct to all students in an age-appropriate plain-language version at a general school assembly held at the beginning of each school year.

Making copies of the code available to all parents at the beginning of the school year.

Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.

Providing all current teachers and other staff members with a copy of the code and copy of any amendments to the code as soon as practical after adoption.

Providing all new employees with a copy of the current code of conduct when they are first hired.

Making copies of the code available for review by students, parents and other community members.

The board will also sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines for promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom. Such training shall be designed to raise staff awareness and sensitivity to potential discrimination or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their reoccurrence.

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

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code violations.

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

The District shall post the complete Code of Conduct, with all amendments and annual updates, on the District's website.

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