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# MAMARONECK UNION FREE SCHOOL DISTRICT

# CODE OF CONDUCT

# TABLE OF CONTENTS


| | | Page |
|---|---|---|
| 5300.00 | Introduction and Guiding Principles | 2 |
| 5300.10 | Definitions | 4 |
| 5300.15 | Student Bill of Rights and Responsibilities | 7 |
| 5300.20 | Essential Partners | 8 |
| 5300.21 | Restorative Justice Principles | 14 |
| 5300.25 | Student Dress Code | 15 |
| 5300.30 | Off-Campus Conduct | 15 |
| 5300.35 | Reporting Code Violations | 16 |
| 5300.40 | Disciplinary Penalties, Procedures & Referrals | 18 |
| 5300.45 | Alternative Instruction | 34 |
| 5300.50 | Discipline of Students with Disabilities | 35 |
| 5300.55 | Student Searches and Interrogations | 40 |
| 5300.65 | Conduct of Visitors | 41 |
| 5300.70 | Public Conduct on School Property | 42 |
| 5300.75 | Dissemination and Review | 44 |

# CODE OF CONDUCT

## 5300.00 INTRODUCTION AND GUIDING PRINCIPLES

The mission of the Mamaroneck Union Free School District is to promote intellectual engagement, an appreciation of learning as an inherently rewarding activity and to prepare students to function as responsible citizens in a multicultural world.

To support this mission, the Code of Conduct is a guide for students, caregivers, educators, staff and administration for how to create a safe, respectful, engaging, and enriching school environment based on the principals of civility, mutual respect, character, acceptance, tolerance, honesty and integrity. To further this commitment, the District has a long-standing set of expectation for conduct on school property and at school functions.

The Board views the school environment as a community, in which students develop and practice positive, prosocial behavior and learn to manage conflict. In this Code of Conduct, the Board clearly defines expectations for acceptable conduct on school property and identifies the possible developmentally appropriate and progressive consequences of unacceptable conduct. When necessary, corrective and restorative justice practices are administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to action and choices.

This Code was developed in collaboration with students, teachers, administrators, parents/.guardians, community members, school safety personnel and other Board-approved school personnel. To this end, the Board adopts this Code of Conduct ("Code"), which is based upon education laws, regulations and Board policies.

To further this mission, these are our guiding principles:

- A positive and safe school culture and climate fosters student engagement, academic achievement and social-emotional growth with dignity and respect for all.

- Student engagement is fostered when students are provided with multiple opportunities to participate in a wide range of positive social-emotional activities while interacting with caring, supportive adults. This helps to ensure that students are better able to:
    - recognize and manage emotions;
    - take age-appropriate responsibility for their own behavior;
    - develop caring and concern for others;
    - establish positive relationships;
    - make responsible decisions; and
    - handle challenging situations constructively and ethically.

Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach, monitor and model appropriate behaviors for success.

All adult teachers, principals, administrators, school staff, parents/guardians, and the larger community have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students. Discipline is a shared responsibility among school, home and community. This can be accomplished by promoting a close working relationship between parents/guardians and the school staff, including timely communication of disciplinary matters.

Understanding discipline as a "teachable moment" and utilizing restorative practices is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Appropriate discipline and responses are administered, when necessary, in a manner that is progressive, fair and reasonable in order to teach students that there are consequences to actions and choices. All disciplinary measures emphasize restorative justice practices.

Disciplinary policies and practices should help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

All students have the right to a high quality education. As such school disciplinary measures should keep with the District goal of avoiding consequences that interrupt or interfere with learning. The District will make every reasonable effort to correct student misbehavior through school-based resources at the lowest possible level to minimize disruption to learning.

The District will respect every person's right to reasonable hearing procedures and due process when a person is accused on misconduct and comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

Effective implementation of this Code of Conduct includes professional development for teachers, principals, administrators ands school staff to ensure that it is equitably applied.

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

## 5300.10 DEFINITIONS

For the purposes of this Code, the following definitions apply whether or not the terms used are capitalized:

**Disability -** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**Disruptive Student -** 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.

**Electronic Communication -** means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, laptop, page, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, webpage, video, chat rooms, blogs, social networking sites, including but not limited to Snapchat, Instagram, Facebook, and Twitter.

**Employee -** means any person receiving compensation from the 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 such District, its students or employees, directly or through contract, whereby

such services performed by such person involve direct student contact.

**Gender** - means actual or perceived sex and shall include a person's gender identity or expression.

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

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

**Harassment or Bullying** - means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, or (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption in the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not limited to acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex, and other protected classes.

**Cyberbullying -** means harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

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

**Parent/guardian** - the parents/guardians or person in parental relation to a student.

**Removal** - the act of a teacher in discontinuing the presence of the student in their classroom.

**Restorative Justice Practices-** are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

**School Bus** - means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**School Function** - any school sponsored extra-curricular, co-curricular or other event or activity on or off school property.

**School Property** - in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District, or in or on a school bus as defined in §142 of the New York State Vehicle and Traffic Law.

**Sexual orientation** - means actual or perceived heterosexuality, homosexuality, or bisexuality.

**Suspension** - the act of a Building Principal (or Acting Building Principal), Superintendent of Schools, District Superintendent or Board of Education in prohibiting the presence of a student from their regular classes.

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee or attempts or threatens to do so.
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts or threatens to do so.

- possesses, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
- displays, while on school property or at a school function, what appears to be a firearm or a weapon.
- threatens, while on school property or at a school function, to use a firearm or a weapon.
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- knowingly and intentionally damages or destroys District property.

**Firearm -** means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act.

**Weapon -** shall include but is not limited to: any other gun, BB gun, air gun, spring 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, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## 5300.15 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

The District believes in the rights of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, supportive and respectful school environment, all students in this District have the following rights and responsibilities:

| Each student has the right to: | Each Student has the responsibility to: |
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| ▪ to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;<br><br>▪ to be treated fairly and with dignity by other students and school staff; | ▪ help make school safe, supportive, respectful and conducive to learning;<br><br>▪ help make school a community free of violence, intimidation, bullying, harassment, and discrimination;<br><br>▪ attend school daily, unless they are legally excused, be on time, be active participants in their learning and |

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| ▪ learn is a safe and supportive school environment;<br><br>▪ be protected from intimidation, harassment or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, (including gender identity or expression), or sex, and other protected classes.<br><br>▪ provide representation on appropriate school-wide committees that influence the educational process as designed by school personnel;<br><br>▪ participate and express opinions through the publication of school newspapers and newsletters with oversight from faculty advisors;<br><br>▪ exercise freedom of inquiry and expression, written and oral, within appropriate limits under the law and provided that the rights of others are not diminished;<br><br>▪ be informed of all school rules and policies;<br><br>▪ be guided by a discipline policy which is fairly and consistently implemented;<br><br>▪ present their version of the relevant events to school personnel authorized to impose consequences | complete class assignments to the best of their ability;<br><br>▪ be truthful about and accountable for their words and actions;<br><br>▪ develop skills to manage their emotions and reactions and resolve conflict with others;<br><br>▪ respect themselves and others in class, on school grounds, on buses, and at any school related activity;<br><br>▪ respect school property and help to keep such property free from damage;<br><br>▪ know and comply with District rules and policies;<br><br>▪ make an effort to correct and improve behavior through restorative interventions;<br><br>▪ encourage reporting administrator of incidents that violate the Code of Conduct |

## 5300.20 ESSENTIAL PARTNERS

All members of our learning community – including students, parents/ guardians, school personnel, engaged service providers, district administrators, and the Board of Education – must assume a responsible role in promoting behavior that enhances

academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

*A. The Role of Parents/Guardians*

The partnership between the District and parents/guardians is essential for the success of students and the learning community. Parents/guardians are vital to the success of students in school and have the following rights and responsibilities:

| Parents/Guardians have the right to: | Parents/Guardians have the responsibility to: |
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| ▪ be actively involved in their child's education and advocate for their needs;<br><br>▪ be treated fairly by all school staff;<br><br>▪ have access to district communications and school correspondences in their home language<br><br>▪ receive regular reports of their child's attendance, performance and behavior concerns<br><br>▪ receive information about ways to improve their child's progress including counseling, tutoring, after-school programs, academic programs and mental health services;<br><br>▪ receive information about district resources and opportunities to enhance the experience of their children;<br><br>▪ receive information and prompt notification of health, safety or behavioral issues; and<br><br>▪ bring, or have the District provide, an interpreter during disciplinary conferences or hearings, when a parent/guardian or student has limited English proficiency and the parent or student requests an interpreter or the school observes that a parent/guardian or student's limited English | ▪ understand that education is a collaborative partnership between the parents/guardians and the school community;<br><br>▪ read and respond to communication from administrators and teachers in a timely manner;<br><br>▪ support their children to attend school prepared and ready to participate and learn;<br><br>▪ teach and model respect for self, others, and the community;<br><br>▪ make sure their children attend school regularly and on time and notify the school of absences;<br><br>▪ ensure that their child is dressed and groomed in a manner consistent with the student dress code<br><br>▪ to monitor their children's grades and progress and attend parent/guardian/teacher conferences;<br><br>▪ support their child's age appropriate social-emotional development;<br><br>▪ communicate any concerns or relevant personal circumstances that may impact their child's school participation in a timely manner;<br><br>▪ partner with the school to resolve any school related issues; |

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| proficiency would deny them an opportunity to meaningfully participate in the conference or hearing. | ▪ familiarize themselves with school rules and help their child understand the need for rules to make a safe, respectful environment conducive to learning; and<br><br>▪ for any financial obligations incurred by their child in school, including lost books, damage to property, etc. |

*B. The Role of School Personnel*

School personnel play an important role in the education of students.
Per the mission of the Code of Conduct school personnel have the rights and responsibilities to:

- promote and maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex;
- work to identify and minimize the impact of race, economics and disability on student achievement;
- serve as role models for students; treat students in an ethical and responsible manner;
- recognize that some behaviors that interfere with safety and learning may be related to a students' personal and environmental experiences;
- identify changing student behavior patterns and notify appropriate personnel and/or the parents/guardians;
- know the support services available to students and refer students who are in need of such services;
- make every effort to accommodate families to maximize their participation in the students' school experience; e.g. work schedules, to communication preferences/barriers…;
- participate in school wide efforts to provide adequate supervision in all school spaces;
- actively participate in resolving conflicts through a restorative justice process;
- maintain confidentiality in conformity with federal and state law;
- address issues of discrimination, bullying 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 or which creates a hostile school environment
- report to the principal any student who jeopardizes their own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom

- promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the Dignity Act Coordinator not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the Dignity Act Coordinator not later than two days after making the oral report;
- Immediately report and refer violent students to the principal or Superintendent;
- know the support services available to students and refer students who are in need of such services;
- inform the student, parents/guardians or caregiver, and the principal of the reason for the removal; and
- report violations of the Code of Conduct to the Building Principal or Acting Building Principal.

*C. School Counselors, Psychologists, Social Workers*

As advisors and counselors of the school, school counselors, psychologists and social workers provide support for students and staff to address their needs and have the additional responsibility to:

- Serve as role models for students
- Treat students in an ethical and responsible manner;
- assist students in coping with peer pressure and emerging personal, social and emotional problems;
- initiate conferences with students, families, and appropriate school personnel as necessary;
- regularly review with students their educational progress and career plans;
- provide assistance with career planning;
- encourage students to engage in academic and extracurricular programs to increase their skills, confidence, relationships and sense of belonging.;

*D. The Role of the Dignity Act Coordinator(s)*

The Dignity Act Coordinators will be responsible for coordinating and enforcing this policy and the Dignity For All Students Act Policy in each school building. Therefore, they must:

- serve as role models for students;
- treat students in an ethical and responsible manner;
- maintain a safe, supportive, orderly and stimulating school environment, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex;
- promote a pro-social, collaborative school environment that prioritizes civility and dignity in classroom instruction and management;

- address personal biases that may prevent equal treatment of all students and staff;
- serve as the designated official to receive complaints and investigate accordingly;
- identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources;
- address issues of discrimination, bullying and harassment, or any situation that threatens the emotional or physical health or safety or any student, school employee, or any person who is lawfully on school property or at a school function or which creates a hostile school environment;
- monitor and report on the effectiveness of the District's anti-bullying, harassment & discrimination policy.

*E. The Role of Building Administrators*

As educational leaders of the school, the principal and their assistant(s) set the climate and culture of the school community. Therefore, they have the additional responsibility to:

- serve as role models for students
- treat students in an ethical and responsible manner;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- work closely with parents/guardians to establish a positive relationship between home and school;
- work with students and staff to formulate school regulations;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms to promote a collaborative and engaging academic environment;
- develop procedures which reduce the likelihood of student misconduct; and assist staff members to resolve challenges;
- utilize all appropriate support staff and community agencies to help parents/guardians and students identify problems and seek solutions; encourage direct communication and provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- establish necessary building security
- disseminate and enforce the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;

*The Role of District Administrators*

As educational leaders of the school system, the Superintendent and central administrators have the responsibility to:

- promote a climate of mutual respect and dignity for all students, educators, administrators and staff;
- serve as role models for students;
- treat student s in an ethical and responsible manner;
- recommend to the Board of Education appropriate policy, regulations and actions to enhance learning conditions;
- reinforce and extend the indicated responsibilities of the Principals and of the building administrators and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective "Code of Conduct" supportable by students, parents/guardians, staff and community;
- actively participate in resolving conflicts through a restorative justice process;
- provide training for all personnel with a copy of the Code of Conduct and appropriate training;
- work with personnel to become familiar with and to enforce the Code to ensure that all incidents are resolved promptly and that students are treated fairly and equitably;
- address personal biases that may prevent equal treatment of all students;
- address issues of discrimination, bullying 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 or which create a hostile school environment and;
- Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the Dignity Act Coordinator not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the Dignity Act Coordinator not later than two days after making the oral report;

*The Role of The Board of Education*

As elected officials in charge of our schools, the Board of Education must:

- promote a climate of mutual respect and dignity for all students;
- serve as role models for students;
- treat students in an ethical and responsible manner;
- address personal biases that may prevent equal treatment of all students;
- actively participate in resolving conflicts through a restorative justice process;

- address issues of discrimination, bullying 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 or which creates a hostile school environment;
- address personal biases that may prevent equal treatment of all students;
- report incidents of discrimination, bullying and harassment that are witnessed or otherwise brought to a board member's attention in a timely manner;
- ensure that the Code of Conduct contains clear behavioral expectations and disciplinary consequences as appropriate for students, staff and visitors;
- annually review and approve the Code of Conduct and update it as necessary.

## 5300.21 RESTORATIVE JUSTICE PRINCIPLES

Understanding Human behavior-including conflict, aggression and disruption in the learning environment-within a greater context allows such incidents to become "teachable moments". This is fundamental to a positive approach to discipline with the ultimate gal of repairing relationships, teaching prosocial behavior and promoting a collaborative and compassionate community.

Historically, the discipline of students in schools has focused mainly on punishments including reprimands, loss of privileges, office referrals, detentions, and suspensions. However, the Board recognizes the lost opportunity when addressing behavioral issues in this limited manner.

Therefore, the Board authorizes restorative justice practices to be employed whenever possible. The main principles of restorative justice are valuing and relationships, repairing the harm done to affected parties, respecting others' opinions, and reintegrating into the school community. This approach seeks concurrent accountability and behavioral change, via conflict resolution, restitution to those harmed, and the creation of community circles to address misbehavior with the goal of teaching prosocial behavior and improving communication.

The Board directs staff and administration to utilize restorative justice practices where appropriate in addressing student disciplinary issues.

Parents/guardians will be encouraged to promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach. In order to encourage full participation in restorative justice practices, the District will provide education on the purpose and impact of restorative justice practices.

In the application of restorative justice principles, the process is always voluntary for the students. Any parent/guardian (or student over the age of 18) can request to go through the traditional disciplinary route and not participate in the restorative justice process. This may happen at any time during the process, or if a student is

unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends. Because every situation is unique, the application of restorative justice principles should be determined after discussion between the student, parents/guardians and appropriate school personnel to maximize the best interests of the students and community.

## 5300.25 STUDENT DRESS CODE

The goal of the student dress code is to allow students to dress in a manner which allows them to express themselves and maintain an environment conducive to learning. All students are expected to dress according to these guidelines for school and at school functions. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance, ensuring dress is safe and within the guidelines. Teachers and all other District personnel should exemplify and reinforce acceptable student dress in a school setting. When addressing dress code issues, it is expected that it will be done privately, professionally and in a supportive manner. Students in grades K-3rd grade should not be addressed. Instead, the parents/guardians must be called.

A student's dress, grooming and appearance will ensure the following:

- be safe, appropriate and not disrupt or interfere with the educational process;
- include clothing and protective equipment suited for specific environments, such as required for physical education classes, participation in athletics, science laboratories, culinary arts and any other courses requiring said protective equipment.

Dress that is prohibited include:

- any dress or appearance which is vulgar, lewd, discriminatory, obscene or indecent or profane or which exposes to sight the private parts of the body;
- clothing or appearance which encourages or advocates inappropriate products or activities prohibited by school policies; including but not limited to the use of illegal drugs, alcohol and/or tobacco use of profanity, violent or illegal activities;
- any dress or appearance which advocates or encourages illegal or violent activities; and,
- any dress or appearance which advocates discrimination or denigrates others, based upon actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, gender, gender identity, sexual orientation or disability

## 5300.30.1 OFF-CAMPUS CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of

others. The Board and the District believe that students must learn to assume and accept responsibility for their behavior and for the consequences of their misbehavior, including certain conduct that takes place outside of school.

A student may be subject to any of the disciplinary measures available in this Code of Conduct for conduct occurring off of school property or not at a school function if such conduct is disruptive to the educational process or endangers the health, safety or morals of students attending school in the Mamaroneck School District or creates or would foreseeably create a risk of substantial disruption within the school environment.

Whether discipline will be imposed and, if so, what disciplinary measures will be taken shall be determined in accordance with other applicable provisions of this Code, including 5300.40.

## 5300.35 REPORTING CODE VIOLATIONS

1. To School District Personnel

   Because the District's goal is to make school a community free of violence, intimidation, bullying, harassment, and discrimination, all students, teachers and other District personnel are expected to report any violation of the Code of Conduct to the Building Principal or, in their absence, the Acting Building Principal. A student may also submit a complaint using the anonymous complaint form located on the District webpage.

   Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent.

   Any student observing a student possessing a weapon, alcohol, or illegal substance on school property, at a school function or on a school bus, shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

   Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parents/guardian of the student involved and the appropriate disciplinary sanction, if warranted.

2. To Local Law Enforcement Agencies

   The District will report, as necessary to the appropriate local law enforcement agency, any violations of the Code of Conduct, including but not limited to incidents of harassment, bullying and discrimination, which may constitute a crime and substantially affect the order or security of a school. When necessary, the District will file a complaint in criminal court against the alleged offender.

3. To Human Services Agencies

When the student is under the age of 16, the District will report any violations of the Code of Conduct which may constitute a crime and substantially affect the order or security of a school to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

4. Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed and/or discriminated against, parents/guardians whose children have been bullied, harassed and/or discriminated against, or other students, parents/guardians or staff who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable District policies. (Refer to BOE Policy 0116, Dignity for All Students Act Policy. BOE Policy 0100, Non Discrimination and Equal Opportunity and BOE Policies 0110, Sexual Harassment. Reports of bullying, harassment and discrimination will be promptly investigated.

Staff members must promptly make an oral report of all complaints of bullying harassment, and discrimination that they receive from students or others, whether oral or written, as well as any instances of bullying, harassment or discrimination that they are aware of, to a Dignity Act Coordinator not later than one school day after receipt of a report or witnessing an incident and shall file a written report with a Dignity Act Coordinator not later than two school days after making the oral report.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited under law.

**5.** Dignity Act Coordinator Contact Information
The name and contact information for each school building's Dignity Act Coordinator is provided below:

| Name | School Building | Contact Information |
|---|---|---|
| Monique Adams | Mamaroneck HS | madams@mamkschools.org<br>914-220-3213 |
| Rob Andrews | Hommocks MS | randrews@mamkschools.org<br>914-220-3307 |
| Ilene Zucker | Central School | izucker@mamkschools.org |

914-220-3403

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| Jennifer Solmon | Chatsworth Ave. School | jsolomon@mamkschools.org<br>914-220-3505 |
| Tracy Tyler | Murray Avenue School | ttyler@mamkschools.org<br>914-220-3705 |
| Felecia Williams-Kelly | Mamaroneck Ave. School | fkelly@mamkschools.org<br>914-220-3603 |

This information shall also be posted on the District's website and included in the plain language summaries of the code of conduct provided to parents/guardians and students and shall be further disseminated in accordance with law and regulations.

## 5300.40 LEVELS OF BEHAVIOR CONCERNS, VIOLATIONS AND DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial.

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

School officials must refer to this Code of Conduct when determining an appropriate disciplinary intervention and/ or consequence. In determining how to best address inappropriate, unacceptable behaviors, it is necessary to evaluate all the circumstances surrounding the behavior. There are many factors that must be considered before determining consequences and interventions including:

1. The student's age and maturity.
2. The nature, severity, scope, frequency and duration of the behavior including whether the student's behavior threatened the safety of themselves or others
3. The circumstances in which the conduct occurred
4. The student's prior disciplinary record.
5. The effectiveness of other forms of discipline.
6. Information from parents/guardians, teachers and/or others, as appropriate.
7. Student's willingness to repair the harm caused by their behavior.
8. Other extenuating circumstances.

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. Generally, a student identified as having a disability shall not be disciplined for behavior related to the student's disability.

*Disciplinary Measures*

Differentiated responses to student behavior are included within five levels, under which all students are treated fairly, with respect and dignity. As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

In conjunction with the levels outlined in the chart below, administration (with support from counselors) can employ conflict resolution meetings, restitution to those harmed, and group, classroom, community, and/or re-entry circles. Except in limited circumstances, restorative justice practices will always be considered first in dealing with disciplinary issues.

Should a parent/guardian or student over the age of 18 opt out of participating in the restorative justice practices or if restorative justice practices have not been effective with the student in question, the chart below will be utilized to determine consequences.

**WHERE AND WHEN THE CODE OF CONDUCT APPLIES**

The District's Code of Conduct applies to incidents that occur as follows:

- in school and on school property during school hours;
- before and after school, while on school property;
- while traveling in vehicles funded by the District;
- at all school-sponsored events, regardless of location;
- harassment, bullying, cyberbullying and/or discrimination off school property could create a risk or threat of substantial disruption within the school environment.

When misconduct involves communication, gestures, or expressive behavior, the behavior violation will apply to oral, written, and electronic communications including, but not limited to, text and email.

## Levels of Behavior Concerns and Resolutions

| **RESOPONSE LEVEL** | **POTENTIAL CONSEQUENCES** |
|---|---|
| **Level 1** - Teachers are encouraged to try a variety of teaching and classroom management strategies. The responses are designed to prevent minor behavior issues from becoming major incidents. | **Level 1** - Classroom interventions and responses may include, but are not limited to private conversation with student, student break, verbal correction, special seating, alternative activity, time and space for de-escalation, loss of privilege, parent contact/conference, teacher detention, behavior plan, restorative practices, referral to Student Support Team(SST). |

| | |
|---|---|
| **Level 2** - These behaviors may include a pattern of persistent level 1 behaviors. Interventions involve school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Responses might be similar to those in Level 1 and at times are more intensive and stretch beyond the immediate situation. | **Level 2** - Administrative Interventions and responses may include, but are not limited to additional counseling, verbal correction, time and space for de-escalation, special seating, parent contact/conference, loss of privilege, detention, behavior contract, restorative practices, referral to Student Support Team(SST), in-school suspension, exclusion from extra-curricular activities, referral to outside community agency. |
| **Level 3** - These behaviors may include a pattern of persistent level 2 behaviors. Level 3 interventions may involve short-term removal of a student from the environment depending on the severity of the behavior. The duration of a suspension is to be limited as much as possible, while still addressing the behavior. | **Level 3** - More intensive responses in Level 3 may include but are not limited to out-of-school suspension, temporary removal from class, restitution of property or repair of damage, informal meeting with school district personnel, campus or community service, and/or a family home visit and restorative practices. |
| **Level 4** - These behaviors may include a pattern of persistent level 3 behaviors. Response to Level 4 behaviors may include removing the student from the classroom or school environment because of the seriousness of the behavior. The duration of removal should be limited, as much as possible, while still addressing the behavior. | **Level 4** - Responses to Level 4 include all responses in Level 3 and/or more intensive responses such as 5-day suspension with formal hearing, referral to appropriate law enforcement agency, counseling or drug treatment program and/or diversion, restorative practices. |
| **Level 5** - behaviors are the most extreme, often using force, causing harm or injury, involving violence, possession or use of a weapon, causing substantial risk or a pattern of persistent Level 4 behavior. | **Level 5** - Responses to Level 5 encompass all responses in Level 4 including 5-day suspension with formal hearing, referral to appropriate law enforcement agency, counseling or drug treatment program and/or diversion, restorative practices. |

| Behavior | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|---|---|---|---|---|---|
| **Alcohol, Drugs, Tobacco (also electronic): Possession and/or being under the influence of…** | | | | | |
| ...any tobacco product, vaping device, or any other nicotine inhaler (for example: a JUUL device, an electronic cigarette, etc...). | | ✓ | ✓ | ✓ | |
| ... any beverage containing alcohol. | | ✓ | ✓ | ✓ | |
| ... marijuana, or any drug other than marijuana (including possession of paraphernalia). | | ✓ | ✓ | ✓ | ✓ |
| Buying or selling marijuana or any other drug or drug paraphernalia | | | | ✓ | ✓ |
| **Disruptive and Uncooperative Behaviors** | | | | | |
| Wagering in any form that involves activities with monetary stakes on school grounds or at school sponsored events. | ✓ | ✓ | ✓ | | |
| Behavior that disrupts instruction and the learning of other students in the classroom, as well as disrupts school culture and climate. | ✓ | ✓ | ✓ | ✓ | |
| Lack of prompt, respectful compliance with directions or requests of any school staff member, including teachers. support personnel, secretaries, custodians and bus drivers | ✓ | ✓ | | | |
| Taunting, baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules, including failure to disperse from a fight or disruption when directed by adults | | ✓ | ✓ | ✓ | |
| Volatile Acts - Disorderly, violent, or threatening conduct of a serious nature that significantly disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises | | | ✓ | ✓ | ✓ |
| Trespassing in unauthorized or unsupervised areas in the building. This includes but is not limited to, entering the classroom or building before or after school. | | ✓ | ✓ | | |
| Being in the hallway without permission and not returning to class when directed by school staff. | | ✓ | ✓ | | |
| Circumventing school safety protocols, including opening secured exterior doors to permit access to another person. | | ✓ | ✓ | | |
| Any serious misconduct not otherwise addressed within this Plan that directly or indirectly jeopardizes the health, safety or property of a school, the School District, school personnel, other students, one's self, or other individuals who are present or acting within the school's jurisdiction. | | | ✓ | ✓ | ✓ |
| Failure to comply with the dress code (See detailed dress code in the document section 5300.25) | ✓ | ✓ | | | |

RESPONSE LEVEL 1 Teacher and/or staff intervention
RESPONSE LEVEL 2 Administrative intervention
RESPONSE LEVEL 3 Administrative intervention-short term removal from learning environment
RESPONSE LEVEL 4 Intensive Administrative intervention and lengthier removal from learning environment
RESPONSE LEVEL 5 Intensive District Administrative Intervention and Discipline with potential long-term removal from school, or alternate placement

| Behavior | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|---|---|---|---|---|---|
| **Attendance Issues** | | | | | |
| Student absence without the knowledge of the parents/guardians. | | ✓ | ✓ | | |
| Leaving class or school grounds without permission or arriving late without permission | ✓ | ✓ | ✓ | | |
| **Failure to respect materials, property of others** | | | | | |
| Failure to respect materials, property, and stealing from others (including, but not limited to, stealing and/or damage to cell phones, other electronic devices and credit cards/debit cards). | | ✓ | ✓ | ✓ | |
| **Academic Integrity** | | | | | |
| Cheating and plagiarism, individually or as part of a group. | ✓ | ✓ | ✓ | | |
| **Firearms/Weapons** | | | | | |
| Possession of a toy weapon where the toy weapon is used to threaten, intimidate, or harm another person or to cause a disruption. | | | ✓ | ✓ | |
| Possession of a weapon, other than a firearm or other gun | | | ✓ | ✓ | |
| Possession of an actual, attempted, or threatened use of a weapon, including firearm, or other weapons toward another person or to cause a disruption. Examples include, but not limited to BB guns, pellet guns, flare guns, and air rifles. | | | | | ✓ |
| **Fires/Explosives/Flammables** | | | | | |
| Setting a fire, or attempting to set a fire, activating the school's fire and/or other alarm systems, making a false alarm call to 911. | | | | ✓ | ✓ |
| Possession or use of fireworks, a smoke bomb, munitions, pepper spray/gas, MACE, tear gas, stink bomb, or any inherently dangerous substance/object, or any illegal device, illegal product, or illegal material that is not specifically covered elsewhere within the Behavior Education Plan. | | | | ✓ | ✓ |
| **Forgery** | | | | | |
| Writing the name of another person to be represented as a writing or original signature of that other person or altering any written record or document (such as dates, times, passes, and permits) without permission. | ✓ | ✓ | ✓ | | |
| Using AI tools to represent students own work unless student cites the source of the information they are copying is prohibited | ✓ | ✓ | | | |

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| Behavior | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|---|---|---|---|---|---|
| **Inappropriate Language or Expression** | | | | | |
| Swearing, cursing, or making obscene gestures. | ✓ | ✓ | ✓ | ✓ | |
| Use of racial slurs | | | ✓ | ✓ | |
| Bullying or harassment based on race or other protected class references including cyber-bullying/harassment directed toward a student or staff member. | | | ✓ | ✓ | |
| Serious threats, including the use of social media to threaten someone or to cause a disruption. | | | ✓ | ✓ | ✓ |
| **Inappropriate physical contact (non-sexual)** | | | | | |
| Welcomed or unwelcomed touching Hitting, slapping, pushing, grabbing, tripping, shoving, kicking, spitting, or any other inappropriate physical act of aggression by one student directed at another student that does not rise to the level of excessive physical aggression (includes actions considered "play fighting"). | | | ✓ | | |
| Excessive physical aggression (fighting or a physical attack against a student). Note: Self-defense is described as an action taken to restrain or block an attack by another person or to shield oneself from being hit by another person. Responsive action, such as hitting a person back, is not self-defense and may be considered excessive physical aggression. *Note: When a student engages in 3 acts of excessive physical aggression, the student may be suspended pursuant to the behavior response levels in the Behavior Education Plan and may be placed in an alternative setting for 45 or 90 days not to exceed one semester* | | | ✓ | ✓ | ✓ |
| Use of physical force, including the use of an object, directly against or affecting a staff member of the MUFSD or any adult who is legitimately exercising authority at the school or during any school activity | | | | ✓ | ✓ |
| **Inappropriate touching, exposure, and/or sexual contact** | | | | | |
| Inappropriate physical displays of affection | ✓ | ✓ | | | |
| Non-consensual touching of a person's buttocks, breasts, genitals/ private areas. | | | ✓ | ✓ | ✓ |
| Consensual Sexual Activity- engaging in sexual intercourse, physically displaying one's buttocks, breasts, or genitals. Removing or adjusting the clothing of another person (including, for example, pulling down another student's pants) in a manner that causes, or was an attempt to cause, the exposure of the other person's undergarments and/or buttocks, breasts, or genitals. | | | ✓ | ✓ | |
| Engaging in non-consensual sexual intercourse, including oral sex | | | | | ✓ |

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| Behavior | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|---|---|---|---|---|---|
| **Inappropriate use of technology or materials** | | | | | |
| Use of personal cell phone or any non-educationally required device, electronic or otherwise, that detracts from and/or disrupts learning of oneself, or others is prohibited | ✓ | ✓ | ✓ | ✓ | |
| **Inappropriate use of district-provided information technology. See policy 4526** | | | | | |
| Recordings/images of another person | | ✓ | ✓ | ✓ | |
| Making, transmitting, or distributing, including posting to the internet, any recording of physical contact. whether or not the participants considered it "play fighting". | ✓ | ✓ | ✓ | | |
| Making, transmitting, or distributing any recording that has not been approved or authorized by the school or the voice or image of any other student, staff member or other person without the consent of the person(s) so recorded. | | ✓ | ✓ | | |
| **Sexual, explicit, obscene, or lewd materials** | | | | | |
| Possessing pornographic material or observing pornographic material. or partially nude state, regardless of consent. | | ✓ | ✓ | ✓ | ✓ |
| Possessing, making, transmitting, or disclosing any image of any student, minor, staff member, parents/guardians, school volunteer, or other adult with supervisory authority in a nude | | | ✓ | ✓ | ✓ |

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**** Charts are adapted from Nyskayuna Central School District**

*Disciplinary and Remedial Consequences for Bullying, Harassment and Discrimination*

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, intervention, education and discipline. Remedies will be measured, balanced, progressive and age-appropriate and will take into consideration the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the offending student's behaviors had on the individual who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or

discrimination, prevent recurrence, and eliminate the hostile environment. Successful intervention may involve remediation.

Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration
- Peer support groups
- Assignment of adult mentor at school
- Corrective instruction or other relevant learning or service experience
- Engagement in student reflective activity
- Changes in class schedule
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student school-based counseling
- Parent/guardian conferences
- Student treatment or therapy

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

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Parent/guardian conferences
- Peer support groups

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

Staff is expected, when aware of bullying, to report the incident in accordance with this policy, and, if necessary, refer the student to designated resources for assistance.

**Summary of Due Process Rights**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the

consequence, the school personnel authorized to impose the consequence must inform the student of the alleged inappropriate behavior and must investigate, to the extent necessary, the facts surrounding the alleged misbehavior. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

*Removal of a Student From The Classroom*

The District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include using affective statements, using affective questions, establishing relationships with students, giving positive directives that state expectations and giving positive and specific feedback.

On occasion, a student's behavior may become more disruptive than a teacher can manage. For purposes of this Code of Conduct, teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. The removal from the class applies to the class of the removing teacher only. Upon the occurrence of a fourth event in the same semester, a Principal's suspension shall occur.

Notwithstanding the above, considering circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

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

Once the teacher determines that the student poses a danger or ongoing threat of disruption the teacher shall order the student removed immediately and within 24 hours of removal the teacher shall inform the student of the basis for the removal and allow the student to informally present their version of the relevant events.

The Building Principal or designee must be notified by the teacher immediately, in writing, of the student's removal from the teacher's class.

The Building Principal or designee must inform the student's parents/guardian of the removal and the reasons therefor within 24 hours of the student's removal.

Upon request, the student and their parents/guardians must be given an opportunity for an informal meeting with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or their parents/guardians an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.

The Principal or designee may not set aside the removal unless they find that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.

The Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal will be required to attend the Principal's conference at the Principal's discretion.

No student removed from the classroom will be permitted to return to the classroom until the Principal makes a final determination, or the period or removal expires, whichever is less.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal of a Principal's removal decision must be presented to the Superintendent prior to any further appeal.

*Student Suspension Process*

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

Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

To support students and parents/guardians through the suspension process, the District will provide a reference document prior to the determination phase of the disciplinary process that addresses *frequently asked questions* and details regarding a student's right to be represented by legal counsel.

Students who participate in restorative justice practices ending in restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the District.

A. Pre-suspension Process

Prior to being suspended from school, the student shall be provided with evidence upon which the decision to suspend is based and the student shall be given the opportunity to explain their version of the facts. The student shall also be afforded the right to present their version of the event to the suspending authority. If 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, such an opportunity shall occur following suspension, as soon thereafter as is reasonably practicable.

B. Short Term Suspension Process (5 days or less)

**Prekindergarten through Grade 2** - The District, along with the New York State Education Department (NYSED), is committed to reducing and severely limiting suspension practices with the ultimate goal of eliminating these practices in early childhood settings.

When the Superintendent or Principal, ("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 of the misbehavior. If the student denies the misbehavior, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last

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

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/guardians of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the informal conference, the Principal shall promptly advise the parents/guardians in writing of their decision. The Principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 20 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the decision.

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parents/guardians, a long-term suspension may be done only after the Superintendent has conducted a hearing.

The Superintendent may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters

described herein. The Hearing Officer may administer oaths and issue subpoenas in conjunction with the proceeding before them. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf. A record of the hearing shall be maintained, but no steno-graphic transcript shall be required. A tape recording shall be deemed a satisfactory record. 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. All appeals to the Board must be in writing and submitted to the District Clerk within 20 calendar days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board will make its decision based solely upon the record before it. 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 of Education within 30 days of the decision.

D. Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal conference with the Superintendent or their designee. If such an informal conference is conducted with the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

E. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team). A student subject to such a suspension is not entitled to a full hearing pursuant to Education Law §3214; however, upon the request of the student's parents/guardians, the Building Principal shall allow the parents/guardians or other representative of the student the right to appear before them informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, they shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

F. Minimum Periods of Suspension

A student with a disability may be suspended only in accordance with the requirements of state and federal law. (See § 5300.50).

1. 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 shall be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

2. 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, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. The possession, use or distribution of alcoholic beverages or controlled and/or illegal substances on school property or at school functions is a violation of state law. This will include appearing on school property or at school functions under the influence of alcohol and/or illegal substances. Consequence is a minimum suspension of five days, and in addition the District may take legal action and/or file a police report. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.

4. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority over the Classroom

Any student, other than a student with a disability, who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, shall be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this Code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

G. Hearing Procedures

*Notice of Hearing*

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parents/guardians, who shall have a minimum of 24 hours' notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in their defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as their parents/guardians.

In the event of the suspension of a student who is 18 years of age or older, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parents/guardians, if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

*The Long-Term Suspension Hearing*

The hearing shall be conducted by the Superintendent or a designated Hearing Officer. The hearing shall be conducted by a designated Hearing Officer in the event that the suspension originated by Board action.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to ensure an impartial, unbiased hearing of the case.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated them promptly upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations.

*Appeals Process*

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board. All appeals to the Board must be in writing and submitted to the District Clerk within twenty (20) calendar days of the date the Superintendent rendered the decision, unless the party making such appeal can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education. Appeals to the Commissioner of Education must be made within 30 days of the decision. The Board shall review the record of the proceedings before the Superintendent or their designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board shall not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

H. Referrals

*Counseling*

The Guidance Office and the Office of Student Support Services shall handle all referrals of students for counseling.

*PINS Petitions*

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that they require supervision and treatment by:

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law; or
b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; or
c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

*Juvenile Delinquents and Juvenile Offenders*

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

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

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

## 5300.45 ALTERNATIVE INSTRUCTION

Pursuant to the Education Law, no student of compulsory attendance age shall be suspended from school in their regularly scheduled classes without being provided with alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the students' regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which they become 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

The Board of Education expects that the District will use its best efforts to maintain student academic progress in the event of removal or suspension, and to support student re-entry to the classroom at the conclusion of the disciplinary action.

## 5300.50 SUSPENSION OF STUDENTS WITH EDUCATIONAL DISABILITIES AND SECTION 504 DISABILITIES

### Long Term Suspension of Students with Disabilities

In the event that a student has a known disability or when school officials can be deemed to know - - in accordance with law, that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts: first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

### §504/ADA Disability

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, ***no*** additional discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of ten (10) school days must be preceded by notice and an evaluation conducted by the §504 team.

### IDEA Disability

For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a

suspension of 10 days or less, if it has been determined that a suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (l0) days or less in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are: the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The student's parents/guardians has expressed, in writing, to supervisory or administrative personnel of the school or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parents/guardians does not know how to write or has a disability that prevents a written statement; or
2. The student's parents/guardians has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The student's parents/guardians have not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The student's parents/guardians have refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents/guardians of such determination.

**Manifestation Determinations**

A Manifestation Team, which shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parents/guardians and relevant members or the Committee on Special Education as determined by the parents/guardians and the District. The parents/guardians must receive written notification prior to any Manifestation Team meeting to ensure that the parents/guardians have an opportunity to attend and to inform the parents/guardians of their right to have relevant members of the CSE participate at the parents/guardian's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents/guardians to determine if:

    a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
    b. The conduct in question was a direct result of the District's failure to implement the IEP

    If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with §201.3 and §201.4(d)(2)(a) of the Commissioner's Regulations.

**Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) and the parents/guardians or eighteen-year or older student consent to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to §201.8 of the Commissioner's Regulations is obtained.

3. The violation involves weapons, drugs or serious bodily injury.

**Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days, if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or at a school

function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. The term "weapon" means "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 that such term does not include a pocketknife with a blade of less than 2-1/2 inches in length."
2. The term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. The term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

**Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to themselves or others if returned to the student’s last agreed upon placement. An impartial hearing officer may order the placement of the student in an

IAES for up to 45 school days in accordance with §201.8 and §201.11 of the Commissioner's Regulations.

1. The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE's recommendation.

**Discipline of Students With Disabilities when the Manifestation Team has made a "No Manifestation Finding"**

Where the conduct of a student with a disability is found not to be a manifestation of their disability, the student may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

**Pendency Placement**

An IAES shall be deemed the student's "stay put" placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents/guardians to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

## 5300.55 STUDENT SEARCHES AND INTERROGATIONS

### *Questioning of Students by School Personnel*

Any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parents/guardians before questioning the student. However, school officials will tell all students why they are being questioned.

### *Searches of School Lockers, Desk and Other School Property*

Student lockers, desks, school storage places and other school owned property, including, but not limited to, school District owned computers and electronic devices, are the property of the District. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, other school storage places and school owned property may be subject to search at any time by school officials, without prior notice to students and without their consent.

### *Searches of Students and their Possessions*

The Superintendent, Assistant Superintendents, Building Principals, Assistant Principals and District nurses are authorized to conduct minimally intrusive searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools. Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Whenever practicable, the following procedures will be employed:

1. Searches will be conducted in the privacy of administrative offices; and
2. Students will be present when their possessions are being searched; and
3. Another school employee should be present for all searches to serve as a witness.

The search will be limited to the extent necessary to locate the evidence sought. In accordance with procedures designated by the Superintendent, the authorized school official conducting the search shall complete an incident report.

### *Strip Searches*

A strip search is a search that requires a student to remove any or all of their clothing. For purposes of this provision, "clothing" does not include an outer coat or jacket. Searching a student's shoes, socks and sweatshirt, and the exposure of

a student's ankles and waistband does not constitute a strip search where the student is not asked to remove their shirt or pants.

Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the health or safety of others, the student under reasonable suspicion of having engaged or engaging in unlawful or otherwise prescribed activity shall, to the extent practicable, be isolated and secured. Police and parents/guardians will be contacted immediately.

***Interrogation and Search of Students by Police***

It is the policy of this District to cooperate with law enforcement agencies. While police do not have a general power to interview children in schools, or to use school facilities in connection with police department work, the police may enter the schools of the District if a crime has been committed on school property or if they have a warrant for arrest or search.

When police have properly entered the school and desire to interview or search students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney, parents/guardians and must be protected from coercion and illegal restraint.

When police have properly entered the school and desire to interview a student, the Principal shall first notify the parents/guardians of the student involved by telephone prior to any such interview and shall obtain parental consent before any interview is conducted on school premises. If a parent/guardian consents but cannot be present for the interview the principal or their designee will be present for the interview.

## 5300.65 CONDUCT OF VISITORS

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the student, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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

2. All visitors to the school, upon entering a school building, must sign in at the security desk, or any designated sign in area of the building visited. There they will be required to present photo identification 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 sign in area before leaving the building.

3. Visitors attending school functions that are open to the public after school hours, such as parent/guardian teacher organization meetings or public gatherings, may be required to register.

4. Parents/guardians are encouraged to visit teachers, guidance counselors and other support staff, by appointment, in order to discuss any problems or concerns they may have regarding their child.

5. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

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

## 5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board recognizes that the primary purpose of the school District is to provide a safe, supportive and orderly atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. 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.

These rules govern the conduct of students, parents/guardians, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon school property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

A. Prohibited Conduct

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

- willfully cause physical injury to any other person, or attempt or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which the person has a lawful

right to do, or to do any act which the person has a lawful right not to do;

- intimidate, harass, bully or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, religion, religious practice, ethnic group, gender, age, marital status, sex, sexual orientation, disability, military status, predisposing genetic characteristics or domestic violence victim status;
- physically restrain or detain any other person, or remove such person from any place where the person is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization, or threaten to do so;
- 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, or member of the Board;
- 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 or deliberately interfere with the freedom of any person to express their views, including invited speakers;
- at no time shall anyone knowingly have in their possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the Superintendent, whether or not licensed to possess the same has been issued to such individual, unless such individual is otherwise authorized by law to possess same on school property.
- Possess, consume, sell, distribute or exchange alcoholic beverages or illegal substances, or be under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids (Marijuana), and any substances commonly referred to as "designer drugs."
- Smoke a cigarette, cigar, pipe, electronic cigarette or use chewing or smokeless tobacco.
- Violate any federal or state statute, local ordinance or Board policy; and/or,

- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

B. Enforcement Program

1. The Superintendent shall be responsible for the enforcement of these rules, and shall designate the other personnel who are authorized to act in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or their designee, does not pose any immediate threat of injury to person or property, such officer 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 resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any school properties where their continued presence and conduct is in violation of these rules.
3. 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 their designee shall cause the ejection of the violator from any premises which the person occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or their designee may apply to the public authorities for any aid which they deem necessary in causing the ejection of any violator of these rules and the person 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.

This code and the penalties set forth herein are not considered to be exhaustive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

## 5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

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

2. Providing plain language summary to all parents/guardians of District students before the beginning of the school year and making this summary available later upon request.
3. Providing all teachers and other staff members with a complete copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a complete copy of the current code of conduct when they are first hired.
5. Making complete copies of the code available for review by students, parents/guardians or other persons in parental relation to students, other school staff and other community members.
6. Posting a complete copy of the Code of Conduct, including any annual updates or amendments to the Code, on the District's website.

The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the District's professional development plan, as needed.

B. Review of Code of Conduct

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

The Board may appoint an advisory committee to assist in reviewing the code and the District's response to code of conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent/guardian organizations, school safety personnel and other school personnel.

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

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

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