PELHAM UNION FREE SCHOOL DISTRICT

CODE OF CONDUCT

2026-2027

ADOPTED

August 26, 2026

***Please note**: Board of Education Policy takes precedent over this Code of Conduct where discrepancies exist.*

PELHAM UFSD
Code of Conduct

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INTRODUCTION

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

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

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

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

Both the Glover Field Complex and Julianne's Playground are the property of the Pelham Public Schools, and the *Code of Conduct* is applicable to all individuals using any Pelham Public School properties at all time.

DEFINITIONS

For purposes of this *Code*, the following definitions apply:

"Bullying" -- see harassment/bullying.

"Color" means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

"Controlled Substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this *Code of Conduct*.

"Cyberbullying" means harassment or bullying where such harassment or bullying occurs through any form of electronic communication.

"Defamation" means making false or unjustified injury to the good reputation of another.

"**Detention"** means an after-school penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

"Dignity for All Students Act" refers to Article 2 of the New York State Education Law, as well as amendments to Sections 801-a and 2801 New York State Education Law made pursuant to Chapter 482 of the Laws of 2010. For purposes of this *Code of Conduct*, it will also refer to subsequent amendments to those statutes, and to any and all regulations promulgated by the Commissioner of Education to achieve the aims set forth in Chapter 482 of the Laws of 2010. According to School

Board Policy 3420, the District condemns and prohibits all forms of bullying, discrimination, and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination, or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

"Disability" means:

1) 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

2) A record of such an impairment; or

3) 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.

"Discrimination" in School Board Policy 7554 and Non-Discrimination and Anti-Harassment School Board Policy 3240 means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Disruptive Student" means a 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.

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

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, and involves direct student contact.

"Ethnic Group" means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

"**Firearm"** means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or compressed air; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Harassment/bullying" referenced in School Board Policy 7554, and Non-Discrimination and Anti-Harassment School Board Policy 3420, means the creation of a hostile environment by conduct

or by threats, intimidation or abuse, including cyberbullying that:

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

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

3) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

4) Occurs off school property and creates or would predictably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

1) Race
2) Color
3) Weight / Physical appearance
4) National origin
5) Ethnic group
6) Religion
7) Religious practice
8) Disability
9) Sex
10) Sexual orientation
11) Gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

"Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law. See School Board Policy 6151, *Drug-Free Workplace*.

"Long-Term Suspension" means a suspension of more than five consecutive school days.

"Manifestation Determination" means a review of the relationship between the student's disability and the behavior subject to disciplinary action that is conducted by the Manifestation Team or the Committee on Special Education (CSE).

"National Origin" means a person's country of birth or ancestor's country of birth.

"Off-campus Conduct" means conduct off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation and/or abuse might reach school property.

"Parent" means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

"Plagiarism" is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, even with minor alterations.

"Race" means a group of persons related by a common descent or heredity. For purposes of the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African descent", "Asian", "Bi-racial", "Hispanics/Latinos", etc. to describe and classify the inhabitants of the United States.

"Religion" means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

"Religious Practice" means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

"School Bus" means every motor vehicle owned 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" means any school-sponsored extracurricular event or activity, on and/or off site.

"School Property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

"Sex" means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Violent Student" means a student under the age of 21 who:

1) Commits an act of violence upon a school employee.

2) Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.

3) Possesses or facilitates transport, storage or usage of a weapon while on school property or at a school function.

4) Displays, while on school property or at a school function, what appears to be a weapon.

5) Threatens, while on school property or at a school function, to use a weapon, including, but

not limited to, making such threats verbally, in writing or electronically.

6) Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

7) Knowingly and intentionally damages or destroys District property.

"Weapon" means a firearm as defined in 18 USC Section 921 for purposes of the Gun Free Schools Act. It also means any other weapon, device, instrument, material or substance that can cause serious physical injury or death including, but not limited to, a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, metal pipe, box cutter, cane sword, electronic dart gun, expandable batons, police batons, Kung Fu star, nun chucks, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb.

"Weight," in addition to its ordinary meaning, includes a person's size.

STUDENT RIGHTS AND RESPONSIBILITIES

The District is committed to safeguarding the rights given to all students under state and federal law, and promoting a safe, healthy, orderly and civil school environment.

With every right comes a responsibility.

	It is the student's right:	*It is the student's responsibility:*
1	To attend school in the district in which one's parent or legal guardian resides.	To attend school daily, regularly and on time, actively engage and participate to their fullest potential, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
2	To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
3	To be respected as an individual.	To respect one another, and to treat others in the manner that one would want to be treated.
4	To express one's opinion verbally or in writing.	To express opinions and ideas, in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
5	To dress in such a way as to express one's personality.	To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
6	To be afforded equal and appropriate educational opportunities.	To be aware of available educational programs in order to use and develop one's capabilities to their maximum.

7	To take part in all school activities on equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability	To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
8	To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.	To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriated.
9	To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees of students on school property or at a school-sponsored event, function or activity.	To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report and incidents of intimidation, harassment or discrimination.
10	To be able to present their version of events to school personnel in connection with any disciplinary proceeding or the imposition of any penalty.	To answer truthfully when questioned.
11	To have access to school policies, regulations and rules, and when needed, receive an explanation of those rules from school personnel.	To respect and follow school rules, even when there is disagreement.

ESSENTIAL PARTNERS

All parents are expected to:

1) Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.

2) Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.

3) Insist their children be dressed and groomed in a manner consistent with the student dress code.

4) Help their children understand that in a democratic society appropriate rule are required to

maintain a safe, orderly environment.

5) Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District *Code of Conduct*.

6) Convey to their children a supportive attitude towards education and the District.

7) Build good relationships with teachers, other parents and their children's friends.

8) Work with our schools to maintain open and respectful communication.

9) Help their children deal effectively with peer pressure.

10) Inform school officials of changes in the home situation that may affect student conduct or performance.

11) Provide a place for study and ensure homework assignments are completed.

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

13) Promote and model positive and respectful behavior in their child helping them to accept the consequences of their actions and by becoming involved in the behavior management/ disciplinary process.

Teachers/Support Personnel

All District teachers and support personnel are expected to:

1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

2) Be prepared to teach.

3) Demonstrate interest in teaching and concern for student achievement.

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

5) Know and be able to apply effective classroom behavior management techniques.

6) Communicate to students and parents:

a. Course objectives and requirements.
b. Marking/grading procedures.
c. Assignment deadlines.

d. Expectations for students.
e. Classroom discipline plan.

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

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

9) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

10) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

11) Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups.

12) Report to the Principal and State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration, or scoring of state assessments in violation of New York State law. This report will be made in accordance with directions and procedures established by the Commissioner to maintain the security and confidential integrity of State assessments.

13) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

14) Teachers are expected to promptly report any violations of this Code to an administrator. Anyone who, in good faith, reports a violation of the law, school rule, or *Code of Conduct*, may not be retaliated against.

Student Support Service Personnel

All student support service personnel and teacher aides are expected to:

1) Provide appropriate educationally related service(s) to support students in their educational program.

2) Support educational and academic goals.

3) Assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems.

4) Know school policies and rules and enforce them in a fair and consistent manner in accordance with the *Code of Conduct.*

5) Be knowledgeable of and be able to apply effective classroom behavior/building management techniques.

6) Communicate regularly, as appropriate, with teachers, students and other staff.

7) Adhere to the District *Code of Conduct*.

8) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

9) Report incidents of discrimination, bullying, and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator, Civil Rights Compliance Officer, Title IX Coordinator and/or DAC, as appropriate, in a timely manner.

10) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

School Counselors/Social Workers/School Psychologists

All District school counselors, social workers and school psychologists are expected to:

1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.

2) Initiate and appropriately document teacher/student/counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.

3) Regularly review with the students their educational progress, career plans and graduation requirements.

4) Provide information to assist students with career planning.

5) Encourage students to benefit from the curriculum and extracurricular programs.

6) Coordinate Intervention Support Services, as needed, with student, parent, building principal and teachers.

7) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

8) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

9) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

Principals/Building Administrators

All District principals or designees are expected to:

1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2) Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

3) Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.

4) Support the development of and student participation in appropriate extracurricular activities.

5) Be responsible for enforcing the *Code of Conduct*, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.

6) Ensure that a building-wide behavior management system is created and supported to meet the needs of students in their building.

7) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

8) Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

9) Protect student, teacher and principal personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

Dignity for All Students Act (DASA) Coordinators

All District Dignity Act Coordinators (at least one per building) are expected to:

1) Serve as the lead person responsible for facilitating implementation of

DASA.

2) Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender.

3) Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.

4) Accept reports regarding violations and conduct investigations as appropriate.

5) Maintain a professional, ethical relationship with students and all other District stakeholder groups.

6) Protect students' personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

Superintendent

The Superintendent of Schools or designee is expected to:

1) Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

2) Review with District administrators the policies of the Board and state and federal laws relating to school operations and management.

3) Inform the Board concerning educational trends relating to student discipline.

4) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

5) Work with District administrators in enforcing the *Code of Conduct* and ensuring that all cases are resolved promptly and fairly.

6) Provide the Board, annually, with NYSED mandated reports summarizing student discipline. This is in addition to suspension data provided on school report cards.

7) Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups.

8) Protect student, teacher and principal personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

Board of Education

1) Encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex, with an understanding of appropriate appearance, language, and conduct, which will strengthen students' self-image and promote confidence to learn

2) Collaborates with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel, to develop a *Code of Conduct* that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.

3) Approve and review at least annually the District's *Code of Conduct* to evaluate the *Code*'s effectiveness and the fairness and consistency of its implementation.

4) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

5) Review and approve a budget that provides programs and activities that support the District's goals and the goals of this *Code.*

6) Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

7) Respect the confidentiality of all information on students and staff learned in the role of a board member.

STUDENT DRESS CODE

In order to create an atmosphere conducive to teaching and learning, all students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Staff members and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance shall be safe, appropriate and not disrupt or interfere with the educational process. Without limiting the foregoing, and by way of example, each student shall at all times during the school day:

1) Recognize that extremely brief or revealing garments are not

appropriate (e.g. no bare midriffs).

2) Ensure that underwear is covered by outer clothing.

3) Wear shirts and footwear at all times, provided that footwear that is a safety hazard shall not be allowed.

4) Not include the wearing of hats in the Elementary and Middle School buildings except for a medical or religious purpose or for designated special events. At the High School, the wearing of hats in the classroom will be at the prerogative of the classroom teacher.

5) Not wear items containing words or insignia that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, sexual orientation or disability; and

6) Not wear items that promote and/or endorse the use of alcohol, tobacco, marijuana/THC or illegal drugs, and/or encourage other illegal or violent activities.

Each building principal shall be responsible for informing all staff, students and their parents of the dress code at the beginning of the school year and of any revisions to the dress code made during the school year.

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

PROHIBITED STUDENT BEHAVIOR

All students will conduct themselves in an appropriate and civil manner in accordance with the District *Code of Conduct.* This includes proper regard for the rights and welfare of other students, personnel, other members of the school community, and facilities and equipment.

Discipline should be self-imposed; students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to emphasize the student's ability to develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who do not accept responsibility for their own behavior or who violate these rules may be disciplined up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

Students are expected to promptly report any violations to a teacher or administrator. Anyone who, in good faith, reports a violation of the law, school rule, or *Code of Conduct*, may not be retaliated against.

Students who *knowingly* make false accusations against another individual may face disciplinary action. This can include, but is not limited to, knowingly making false statements or knowingly submitting false information during the grievance process under Title IX, which is prohibited by this *Code*.

Students may be disciplined when they:

Engage in Conduct That is Disorderly

Examples of disorderly conduct include but are not limited to:

1) Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.

2) Obstructing vehicular or pedestrian traffic.

3) Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

4) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.

5) Unauthorized or inappropriate use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, smart watches, cameras, and other personal electronic devices considered inappropriate by the administration).

6) Unauthorized use of personal computer, laptop, tablet or e-reader, or other computerized information resources through the District computer system is prohibited.

7) Taking photos in bathrooms for locker rooms or taking photos of other individuals within the school setting without their permission.

Engage in Conduct That is Insubordinate

Examples of insubordinate conduct include but are not limited to:

1) Failing to comply with the reasonable directions of teachers, school administrators or other District employees, or otherwise demonstrating disrespect.

2) Missing or leaving school or class without permission.

3) Skipping detention or other imposed disciplinary consequences.

Engage in Conduct That is Disruptive

Examples of disruptive conduct include but are not limited to:

1) Failing to comply with the reasonable directions of teachers, District administrators or other District employees, or otherwise demonstrating disrespect.

2) Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per the District *Code of Conduct*.

3) Distributing - by any means - or wearing materials on school grounds or at school functions that are obscene, inflammatory, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school community.

Engage in Conduct That is Violent

Examples of violent conduct include but are not limited to:

1) Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, shoving, biting or scratching) upon another student, a teacher, administrator or other District employee or any other person lawfully on school property.

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

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

4) Displaying what appears to be a weapon, threatening to use any weapon(s), or using weapon(s).

5) Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property or at a District function, including but not limited to graffiti or arson.

6) Communication by any means, including oral, written or electronic (such as through the internet, email or texting) off school property, where the content of the communication:

   a. Can reasonably be interpreted as a threat to commit an act of violence on school property; or,

   b. Results in material or substantial disruption to the educational environment.

Engage in Conduct That Endangers the Safety, Morals, Health or Welfare of Others

Examples of this conduct include but are not limited to:

1) Lying, deceiving, or giving false information to school personnel.

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

3) Making improper statements about any individual or identifiable group of individuals which have the foreseeable effect of exposing such persons or group of persons to shame, humiliation, persecution or ostracism; this includes, but is not limited to, “hate speech.”

4) Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the group by demeaning them. This can include posting or publishing video, audio recordings, or pictures (written material, cell phones, internet, social media sites, YouTube, etc.).

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

6) Harassment; the creation of a hostile environment by conduct or by verbal threats; intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, or physical well-being based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender, or sex.

7) Bullying or intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort. (Examples include: "play" fighting, extortion of money, overt teasing, etc.)

8) Cyberbullying including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when that use interferes with the operation of the school; substantially disrupts the educational environment or infringes upon the general health, safety and welfare of students or employees.

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

10) Displaying signs of gang affiliation or engaging in gang-related behaviors that are believed or observed to increase the level of conflict or violent behavior.

11) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any District or school-sponsored function, activity, organization, club, or team.

12) Selling, using, possessing, or distributing obscene material.

13) Possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products, nicotine products, marijuana/THC or illegal or controlled substances, counterfeit and designer drugs, or paraphernalia for use of these drugs, or being under the influence of any of these substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia, and any substances commonly referred to as "designer drugs."

14) Inappropriately using, sharing, selling, attempting to sell, distributing, or exchanging prescription and over-the-counter drugs.

15) Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.

16) Gambling and gaming.

17) Inappropriate touching or indecent exposure.

18) Engaging in any sex acts or lewd behavior.

19) Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.

20) Violating gender privacy when using school restroom facilities.

21) Possession or use of lighters or matches.

Engage in Misconduct While on a School Bus

Students must behave appropriately while riding on District buses to ensure their safety and that of other passengers, and to avoid distracting the driver. Students must conduct themselves on the bus in a manner consistent with this *Code of Conduct*. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.

Engage in Any Form of Academic Misconduct

Examples of academic misconduct include but are not limited to:

1) Plagiarism.

2) Cheating.

3) Copying.

4) Altering records/forgery.

5) Accessing other users' email accounts or network storage accounts or attempting to read, delete, copy, modify, or interfere with transferring or receiving electronic communications.

6) Violation of the District Acceptable Use Policy.

7) Defacing or damaging school, class, library or others' materials, work or documents.

8) Taking exam, quiz, lab or any other instructional question answers or forms to benefit one or more students' grades or progress.

9) Violation of copyright laws.

10) Assisting another student in any of the actions listed here.

Engage in Off-Campus Misconduct

Off-campus conduct is conduct that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but is not limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

ACADEMIC INTEGRITY

Academic integrity is honest and responsible scholarship, with each student holding themselves to the highest standards of academic conduct and personal integrity. Students who do not act with integrity are depriving themselves of the chance to think, grow, and learn. Lack of integrity also damages relationships and creates mistrust between teachers and students. Academic integrity is accomplished with hard work and good study habits, avoiding any hint of academic misconduct. Faculty members are available to assist students with proper citation methods and research skills.

Examples of academic misconduct are listed below and include but are not limited to:

Cheating: copying or trying to copy from other students during an exam or assignment, sharing answers during an exam, hiding materials or prepared answers during an exam, purchasing papers from online sellers, submitting the same work for more than one class without approval from the teachers, taking an exam for another student, or having someone take an exam on your behalf.

Plagiarism: copying passages from the work of another author without properly citing the source, submitting purchased, copied or online work as your own, or using the views or opinions of others without acknowledgement.

Class Materials: removing or defacing class or library materials so other students cannot use them, altering or contaminating work in lab experiments, or selling or sharing course materials without permission of the teacher or publisher.

False Information: lying to a teacher when questioned on issues of academic misconduct, making false statements to obtain a better grade, or altering results or data from work conducted for an assignment.

Theft/Damage of Another's Work: stealing or damaging another student's classwork or the means by which they do their classwork or stealing exam questions or answers from a teacher or test site.

Altering School/District Records: forging signatures, altering transcripts and electronic student records, or altering a teacher's grade report or comments.

Disrupting the Classroom: interfering in the process of instruction to the detriment of other students, disrupting class to silence differing viewpoints, or creating a fake emergency such as a fire alarm or bomb threat to ensure class is cancelled.

Improper Use of Computers, Calculators and Other Technology: preprogramming a calculator

or other device to contain answers during an exam, using a cell phone or other device to photograph or copy an exam, or violating the District's AUP.

HARASSMENT, BULLYING AND DISCRIMINATION

The District seeks to create an environment free of harassment, intimidation bullying, and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment, intimidation and bullying of students by employees or other students on school property and at school functions. Bullying, harassment, or intimidation means intentional conduct (verbal, physical, or written, as well as electronic communication) that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performances, or with a student's physical or psychological well-being and may be motivated by, but not limited to, an actual or a perceived personal characteristic including race, national origin, sex, sexual orientation, gender (including gender identity and/or expression), religion, physical attribute, socioeconomic status, familial status, or physical or mental disability; and/or is threatening or seriously intimidating.

The District further prohibits discrimination against students, including but not limited to those acts based on a person's actual or perceived race, color, weight, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by school employees or other students on school property and at school sponsored activities and events that take place on or off school property.

Prohibited acts of harassment, intimidation, bullying, and/or discrimination may occur on school property, at a school function which takes place off of school property, or on a school bus, and may also occur off-campus. Off-campus bullying, harassment and/or intimidation that substantially disrupts the orderly operation of school is a violation of the *Code of Conduct* and may be subject to discipline or other corrective action.

The District will take disciplinary measures for incidents involving harassment, bullying, and/or discrimination consistent with this *Code of Conduct*. In so doing, the District will incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, consideration will be given to among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

The District may also, as appropriate, avail itself of remedial responses to incidents of harassment, bullying, and/or discrimination in order to affect the end of such behavior. Remedial responses may include, but are not necessarily limited to: peer support groups; corrective instruction or other relevant learning or service experience; supportive intervention; or other research-based methods of harassment, bullying, and discrimination prevention.

In each of its schools, the District has designated at least one employee to serve as a Dignity Act Coordinator. In accordance with the regulations of the Commissioner of Education, each Dignity Act

Coordinator has been trained in the areas of: human relations; harassment, bullying, and discrimination; and exclusion, bias, and aggression in the educational setting. The Dignity Act Coordinators are charged with coordinating and enforcing the requirements of the Dignity for All Students Act and its implementing regulations and policies.

Bullying, harassment, or intimidation are serious and will not be tolerated in the Pelham Union Free School District. If you are a student victim, the parent (person in parental relation) of a student victim, or a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying, harassment, or intimidation, complete the DASA Report form found on our District website and return it to the school Dignity Act Coordinator at the student/victim's school.

School/District personnel witnessing an incident or receiving a report of an incident must complete and submit this written report within two school days. NOTE: School/District personnel must also orally notify the principal, assistant principal, Superintendent or their designee no later than one school day after witnessing or receiving a report of an incident. All complaints will be treated in a confidential manner. Anonymous reports may limit the District's ability to respond to the complaint. A prompt and thorough investigation will be conducted for all incident reports.

Location	Name	Phone Number	Email
District Coordinator	Ms. Traci Holtz	738-8110 x1156	tholtz@pelhamschools.org
PMHS	Dr. Kerri Titone	738-8110 x1125	ktitone@pelhamschools.org
PMS	Mr. Sean Llewellyn	738-8190 x1226	sllewellyn@pelhamschools.org
Colonial	Ms. AnnaMarie Nardone	738-7650 x1606	anardone@pelhamschools.org
Hutchinson	Dr. Elizabeth Belanfante	738-3640 x1742	ebelanfante@pelhamschools.org
Prospect Hill	Dr. Sarah DeSoye	738-6690 x1404	sdesoye@pelhamschools.org
Siwanoy	Ms. Kerri Weaver	738-7650 x1606	kweaver@pelhamschools.org

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination and/or harassment.

REPORTING VIOLATIONS

All students must promptly report violations of the *Code of Conduct* to a teacher, guidance counselor, the building principal or designee. Any student observing a student possessing a weapon, alcohol, tobacco/nicotine/marijuana/THC product, or illegal substance on school property or at a school function must report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. All District staff who are authorized to impose

disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the *Code of Conduct* to their supervisor, who will in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

REPORTING WEAPONS OR SUBSTANCE ABUSE VIOLATIONS

Any student or staff member observing a student possessing a weapon, alcohol, drugs or other illegal substance on school property or at a school function, must report this information immediately to the building principal or designee. Any weapons, alcohol, drugs or illegal substances found will be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

USE OF PERSONAL TECHNOLOGY AND ELECTRONIC DEVICE

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the Internet; and transmit or receive messages, telephone calls or images, that belong to the student or the student's family, and have not been provided by the District. Examples of personal technology includes, but is not limited to, iPod and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smartphones such as BlackBerry, iPhone, or Droid; smart watches, or other wearable devices, as well as any device with similar capabilities. Unacceptable devices include, but are not limited to, gaming devices or consoles, laser pointers, and modems or routers.

Instructional Uses

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities as deemed appropriate by school staff.

Students are permitted to have and use any personal technology device as defined above as authorized for use in classrooms. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. While students are permitted to possess and use such devices during the school day, elementary and middle school students are not allowed to have cell phones out during the school day. They are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors or is otherwise in violation of the law or any provision of this *Code of Conduct*. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the *Code of Conduct* that may be applicable to the circumstances involved. Any

electronic device that is permitted on school property is encouraged to be kept on the person in a safe and responsible manner. Passwords and personal technology devices should not be shared with electronic device may be confiscated and subject to a search in other students. A student's accordance with sections of this *Code*, if school officials have reasonable suspicion to believe that the search will reveal evidence of a violation of law, the *Code of Conduct*, or other school rules.

Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is permitted in the high school only. High school students follow the guidelines in the AUP, *Code of Conduct* and the individual building handbooks. Non-instructional use includes texting, calling or otherwise communicating with others during free periods and within common areas of the school building such as the hallways, cafeteria, study halls, buses and student lounges. Other non-instructional uses may include Internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

Taking of photos or videos in bathrooms or locker rooms is prohibited. Any other photographic, audio, or video recording during school should only be done with permission granted from those being filmed.

Teachers and all other personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

Prohibition During State Assessments

Unless authorized by law, regulation, or government rule, all students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

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 appropriate disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

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

1) The student's age.

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

3) The student's prior disciplinary record.

4) The effectiveness of other forms of discipline.

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

6) Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that both the number of violations and severity of the behavior will be considered when determining consequence. For example, a student's first violation will usually merit a lighter penalty than subsequent violations.

Penalties

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, the District uses a variety of appropriate classroom management techniques including:

1) Positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;

2) Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior.

3) Building-wide behavior management systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

As a general practice and whenever possible, these interventions are used in combination before imposing more severe disciplinary consequences.

Students who are found to have violated the District's *Code of Conduct* may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each penalty are those individuals authorized to impose that penalty, consistent with the student's right to due process.

1) Verbal warning – any member of the District staff.

2) Written notification to parent – teachers, principal, Superintendent.

3) Written warning – teachers, principal, Superintendent.

4) Detention – teachers, principal, Superintendent.

5) Temporary removal from classroom by teacher – teachers.

6) In-school suspension – principal, Superintendent.

7) Suspension from transportation – principal, Director of Transportation,

Superintendent.

8) Suspension from athletic participation – principal, Superintendent.

9) Suspension from social or extracurricular activities (including but not limited to athletic contests,

events, celebratory events, clubs, dances, graduation, moving up day, prom) – principal, Superintendent.

10) Suspension of other privileges (including, but not limited to, leadership positions, National Honor Society, student competitions, field trips) – principal, Superintendent.

11) Short-term (five days or less) suspension from school – principal,

Superintendent.

12) Long-term (more than five days) suspension from school – Superintendent,

Board.

District administrators and building principals may also impose monetary restitution for costs or damages incurred by the District resulting from any student misconduct.

Parents are powerful partners in a student's behavioral growth, and in their child's development of acceptable social skills. The District realizes that good communication and informal relations between parents and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated intervention at home and in school provide students with the consistency they need to develop appropriate behaviors. Parents must help the school staff by reinforcing positive behavior and disciplinary consequences. The District recognizes that parental involvement in the behavioral process is required for the student to develop the behaviors that will ensure success in the school setting and life. Therefore, it is our philosophy to provide the parent with regular and early notification by phone or writing when a student's behavior is becoming problematic in addition to the required procedural notifications specified below.

Procedures

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

Students who receive penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before imposition of the penalty which are explained below.

<u>Detention</u>

Teachers, principals and the Superintendent may use before-school, lunch, or after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention before or after school will be imposed as a penalty only after the student's parent has been notified.

<u>Suspension from Transportation</u>

Students who become a serious disciplinary problem while on a school bus may have their

riding privileges suspended by the building principal or the Superintendent or their designees. In these cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing in accordance with Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or designee to discuss the conduct and the penalty involved.

Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

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

In-school Suspension

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

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

Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

1) Short-term "time out" in a classroom or in an administrator's office;

2) Sending a student to the principal's office for the remainder of the class time only; or

3) Sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this *Code*.

On occasion, a student's behavior may become disruptive. For purposes of this *Code of Conduct*, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of

the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

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

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

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

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and the reasons for the removal. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The Principal may require the teacher who ordered the removal to attend the informal conference.

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

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

The principal or designee may overturn the decision to remove the student from class if the principal determines any one of the following:

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

2) The student's removal is otherwise in violation of law, including the District's *Code of Conduct*, or

3) The conduct warrants suspension from school in accordance with Education Law Section 3214.

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

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

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

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

Suspension from School

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

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

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the *Code of Conduct*. All recommendations and referrals will be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention, in which case, a written report will be prepared as soon as possible.

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

1) Short-term (5 Days or Less) Suspension from School

When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less in accordance with Education Law Section 3214(3), the suspending authority must immediately verbally notify the student. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be

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

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

The notice and opportunity for an informal conference will 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 poses a danger or threat of disruption, the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents in writing of his or her decision. The principal will advise the parents that if they are not satisfied with the decision, 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 will issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board with the District Clerk within ten business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the Superintendent's decision.

2) Long-term (More Than 5 Days) Suspension from School

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

The Superintendent will personally hear and adjudicate the proceeding or may, in their discretion, designate a Hearing Officer to conduct the hearing. A record of the hearing will be maintained, but no transcript will be required. A tape recording will be deemed a satisfactory record. The Hearing Officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the Hearing Officer will be advisory only, and the Superintendent may accept all or any part.

An appeal of the Superintendent's decision may be made to the Board that will make its decision based solely on the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within ten business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from

doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

3) Permanent Suspension

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

Minimum Periods of Suspension

Weapon in School

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

1) The student's age;

2) The student's grade in school;

3) The student's prior disciplinary record;

4) The Superintendent's belief that other forms of discipline may be more effective;

5) Input from parents, teachers and/or others; and

6) Other extenuating circumstances.

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

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

Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority Over the Classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom

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

Referrals

Counseling

The Guidance Office will handle all referrals of students to counseling.

PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who:

1) Does not attend school;

2) Behaves in a way that is incorrigible, ungovernable, or habitually disobedient;

3) Is beyond the control of a parent or guardian;

4) Is suspected of drug abuse; or

5) Requires supervision or treatment.

The District will follow all PINS procedures required by the Family Court in their jurisdiction.

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:

1) Any student under the age of 16 who is found to have brought a weapon to school, or

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

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

ALTERNATIVE INSTRUCTION

When a student is removed from class by a teacher or a student of compulsory attendance age is suspended from school in accordance with Education Law Section 3214, the District will take immediate steps to provide alternative means of instruction for the student.

DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

Authorized Suspensions or Removals of Students with Disabilities

For purposes of this section of the *Code of Conduct*, the following definitions apply.

1) A "suspension" means a suspension in accordance with Education Law Section 3214.

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

3) An "IAES", or interim alternative education setting, means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES will continue to receive educational services so as to enable him or her to progress in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education plan (IEP), and receive, as appropriate a functional behavioral assessment and behavioral intervention services and modifications that are designed to prevent the behavior from recurring.

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

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

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

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

4) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days. If the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicit the sale of a controlled substance while at school or a school function.

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

Change of Placement Rule

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

1) For more than ten consecutive school days; or

2) For a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

Special Rules Regarding the Suspension or Removal of Students with

Disabilities the District's CSE will:

1) Conduct functional behavioral assessments to determine why a student engages in a

particular behavior and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

If one or more members of the CSE believe that modifications are needed, the District will convene a meeting of the CSE to modify the plan and its implementation, to the extent the Committee determines necessary.

2) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, will have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had knowledge as described, the student will be considered a student presumed to have a disability for discipline purposes.

1) The Superintendent, building principal or other school official imposing a suspension or removal will be responsible for determining whether the student is a student presumed to have a disability.

2) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

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

b. Determined that an evaluation was not necessary and provided notice to the parents of the determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while the non-disabled student is subjected to a disciplinary removal, an expedited evaluation will be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student will remain in the educational placement determined by the District, including suspension.

The District will provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

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

The parents of a student with disabilities subject to a suspension of five consecutive school days or less will be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be divided into a guilt phase and a penalty phase in accordance with the procedures in Commissioner's regulations.

The removal of a student with disabilities other than a suspension or placement in an IAES will be conducted in accordance with the due process procedures applicable to the removal of non-disabled students, except that school personnel may not impose a removal for more than ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities will be provided with services as required by Commissioner's regulations.

Expedited Due Process Hearings

An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations incorporated into this *Code*, if:

1) The District requests a hearing to obtain an order of an Impartial Hearing Officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during the proceedings.

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

    a. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or

controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

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

An expedited due process hearing will be completed within 15 business days of receipt of the request for a hearing. Although the Impartial Hearing Officer may grant specific extensions, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

Referral to Law Enforcement and Judicial Authorities

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

1) The District may report a crime committed by a child with a disability to appropriate authorities, and the action will not constitute a change of the student's placement.

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

CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student to punish that student. The District strictly forbids corporal punishment of any student by any District employee.

In situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, however, reasonable physical force may be used to:

1) Protect oneself, another student, teacher, or any other person from physical injury.

2) Protect the property of the school or others.

3) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of District functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

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

STUDENT SEARCHES AND QUESTIONING OF STUDENTS

The Board is committed to providing an atmosphere for a positive, safe, and orderly school environment.

Searches must be justified at their inception - there must be reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating the law or the District *Code of Conduct* - and be reasonably related in scope to the circumstances that justified the search in the first place.

The District will consider these factors in determining whether a search is reasonable at its inception:

1) Nature and reliability of the information received regarding the proscribed activity: An authorized school official may search a student, or the student's belongings based upon information received from a reliable informant. Individual(s), other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, or they provide the same information that is received independently from other sources. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

2) The existence of observable phenomena, such as the direct observation of use or the physical symptoms of using or being under the influence of illegal controlled substances or alcohol such as slurred speech, disorientation, a pattern or abnormal conduct, or erratic behavior.

The measures adopted in searching a student will be considered reasonable in scope when they are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the *Code of Conduct*, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

Student Lockers, Desks, and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. Officials who wish to search a closed item (e.g., backpack, purse etc.) within a locker or desk must have reasonable suspicion to search that item. School provided technology is the property of the District and is subject to search at any time. Students have no reasonable expectation of privacy in school provided technology. Please refer to the District Acceptable Use Policy for further information.

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of the *Code of Conduct* or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against them; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

The District will maintain a cooperative effort with law enforcement agencies. Law enforcement officials may be summoned to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned to maintain or restore order when their presence is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary.

Interrogation of Students by Law Enforcement Officials

Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or regarding a crime committed on school property. In all other situations, if the police wish to speak to a student without a warrant, they should directly contact the student's parent/guardians.

When police wish to question a student on school property or at a school function, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private, outside the presence of other students, but in the presence of the building principal or designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may wish to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

VISITORS TO THE SCHOOLS

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal is responsible for all persons in the building and on the grounds. For these reasons, the following expectations 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 school must report to the Main Office or the office of the principal (or designated extension of the principal's office, such as a security sign-in desk) upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the office before leaving the building.

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

4) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance through the principal's office, so that class disruption is kept to a minimum.

5) Teachers are not expected to take class time to discuss individual matters with visitors.

6) Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if necessary.

7) All visitors are expected to abide by the rules for public conduct on school property contained in this *Code of Conduct*.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board recognizes that the primary purpose of the District is to provide an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the *Code*, "public" means all persons when on school property or attending a school function including students, teachers and District personnel.

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

this *Code* is to maintain public order and prevent abuse of the rights of others.

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

Prohibited Conduct (including but not limited to the following)

No person, either alone or with others, will:

1) Intentionally injure any person or threaten to do so.

2) Intentionally damage or destroy District property or the personal property of a student, teacher, administrator, other District employee or any person lawfully on District property.

3) Disrupt the orderly conduct of classes, programs, activities, or other work sites/internship.

4) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program or workplace.

5) Intimidate, harass or discriminate against any person on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category.

6) Enter any portion of the District premises without authorization or remain in any building or facility after it is normally closed.

7) Obstruct the free movement of any person in any place to which this *Code*

applies.

8) Violate the traffic laws, parking regulations or other restrictions on vehicles.

9) Possess, consume, sell, attempt to sell, distribute or exchange or attempt to distribute or exchange alcoholic beverages, illegal substances and controlled substances, including drug paraphernalia, or be under the influence on District property or at a District or school function.

10) Use tobacco and tobacco products, marijuana/THC products on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. For purposes of this *Code of Conduct*, "school grounds" means any instructional building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's legally defined property boundaries as registered in the County Clerk's Office, as well as all District vehicles.

11) Use e-cigarettes and other products containing nicotine except for current FDA-approved smoking cessation products, are also prohibited.

12) Possess, display, use or threaten to use weapon(s,) in or on District property or at a District

or school function, except in the case of law enforcement officers or except as specifically authorized by the District.

13) Loiter on District property.

14) Refuse to comply with any reasonable order from identifiable District officials performing their duties.

15) Willfully incite others to commit any of the acts prohibited by this *Code*.

16) Violate any federal or state statute, local ordinance or Board policy while on District property or while at a District or school function.

Penalties

Visitors

Visitors will be subject to immediate ejection and, as the facts may warrant, precluded from being allowed on the premises of all school buildings and grounds. The length of the suspension will be determined by the severity of the violation and the violator will receive written notice of the determination.

Students

Students will be subject to disciplinary action as the facts may warrant, in accordance with this *Code of Conduct* and the due process requirements.

Teachers and Other Staff

Teachers and staff will be subject to disciplinary action as the facts may warrant, in accordance with this *Code of Conduct*, applicable law and/or collective bargaining units and the due process requirements.

Contractors and Vendors

The District will take appropriate action, consistent with the terms of any applicable contract, to ensure the offense is remedied and will not recur. The failure of a contractor or vendor to abide by the terms of this *Code of Conduct* may affect the renewal of existing agreements or the awarding of future contracts.

Enforcement

The Superintendent will be responsible for enforcing the conduct required by this *Code of Conduct*. The Superintendent may designate other District staff that are authorized to take action consistent with the *Code of Conduct*.

When the Superintendent or designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official will have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the

person.

The District will initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the *Code of Conduct*.

DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this *Code of Conduct* by:

1) Posting the complete *Code of Conduct* on the District website: pelhamschools.org for access by students, parents/person(s) in parental relation and community members.

2) Making a plain language summary of the *Code of Conduct* available electronically to all parents/person(s) in parental relation and students before the beginning of each school year and making such summary available thereafter upon request.

3) Making an electronic copy accessible to all current teachers, other staff members, and all new employees *and a* notification of any amendments to the *Code of Conduct* as soon as practicable after adoption.

4) Making complete copies of the *Code of Conduct* available for review by students, parents or persons in parental relation to students, other school staff and other community members.

On an annual basis, the *Code of Conduct* will be publicized and explained to all students and a summary made accessible via school homepages, to parents/person(s) in parental relation of students. A copy of the *Code of Conduct* will be filed in each school building's main office, where it will be available for review.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the *Code of Conduct*. The Superintendent will solicit the recommendations of the District's staff, particularly teachers and administrators, regarding the service programs pertaining to the management and discipline of students.

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 of Conduct* has been applied fairly and consistently.

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

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