ARDSLEY UNION FREE SCHOOL DISTRICT

CODE OF CONDUCT

2026 - 2027

ARDSLEY UNION FREE SCHOOL DISTRICT

BOARD OF EDUCATION

CENTRAL ADMINISTRATION

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INTRODUCTION

The Ardsley Union Free School District is committed to maintaining high standards and expectations for the education of all students. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to maintaining high standards and expectations for behavior. A safe, orderly academic environment is the shared responsibility among school, home, and community, and it requires all stakeholders to uphold and adhere to clearly defined disciplinary options and responses.

Section 100.2 of the Regulations of the Commissioner of Education requires that each school district adopt a written policy on school conduct and discipline "designed to promote responsible student behavior." The requirements, both as to the content and the procedure for adopting District policy, are quite specific, and are outlined below.

- A discipline Code for student behavior, along with a range of consequences, will be publicized and explained to all students and provided to all parents on an annual basis.
- The school conduct and discipline policy "shall be developed locally in consultation with teachers, administration, other school service professionals, students and parents."
- The policy must include "a bill of rights and responsibilities for students which focuses on positive student behavior." Reference should be made to those rights that are statutory, such as the right to a hearing prior to suspension, pursuant to Education Law §3214.
- The roles of the teachers, administrators, Board of Education members, and parents must be described to all students and provided in writing to all parents on an annual basis.
- Procedures within each building to involve appropriate individuals in the early identification and resolution of discipline problems.
- The identification of alternative educational programs appropriate to individual student needs and guidelines for in-service education for District staff.
- The District's policy and rules and regulations on school conduct and discipline shall be filed in each school building and shall be available to any individual.

In addition, the District believes that, to be effective, such a code must:

- identify, recognize and encourage acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual, as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;

- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- protect every person's right to a fair hearing;
- identify due process rights for a student accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

The Ardsley Union Free School District's primary concern in establishing a Code of Conduct is to enable our young people to become responsible, respectful, and caring citizens within the school and community settings.

Scope of Enforcement

This Code of Conduct applies to all students, staff, and visitors during and after school, on school grounds, on buses provided to and from school or activities, during off-campus school-sponsored events, (such as but not limited to proms and field trips), at bus stops and to off-campus misconduct that bears a nexus or relationship to our schools. It also provides guidance relative to inappropriate electronic communication.

ESSENTIAL PARTNERS

The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of students. The Superintendent is responsible for developing regulations which are to be enforced by building and District administration and staff.

Parents/guardians are expected to assume primary responsibility for control of his or her child. Parents/guardians may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

The Role of School Personnel

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image
- participate in appropriate training related to positive and productive approaches to discipline and behavior management
- increase student achievement
- demonstrate desirable standards of behavior through personal example

- report violations of the Code of Conduct to the Building Principal or acting building principal
- immediately report and refer violent students to the Principal or Superintendent of schools

The Role of Parents

A cooperative relationship between home and school is essential to each student's successful development and achievement. To achieve this wholesome relationship, parents are urged to:

- show an enthusiastic and supportive attitude toward school and education
- build a good working relationship between themselves and their child
- teach their children self-respect, respect for the law, respect for others and for public and private property
- insist on prompt and regular attendance
- listen to the views and observations of all parties concerned
- recognize that teachers merit the same consideration and respect that parents expect from their children
- encourage their children to take pride in his/her appearance
- insist that their children promptly bring home all communications from school
- cooperate with the school in jointly resolving any school-related problem
- set standards of behavior for their children and resolve to remain firm and consistent
- help their children learn to deal effectively with negative peer pressure
- provide a place conducive for study and completion of homework assignments
- demonstrate desirable standards of behavior through personal example
- foster a feeling of pride in their children for their school
- provide support and positive reinforcement to their child

Parents should be aware that they may be responsible for financial obligations incurred by their child in school. This may include such items as lost books and damage to property.

DEFINITIONS

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

- A *disruptive student* is an elementary or secondary child under the age of 21 who is substantially disruptive to the educational process or substantially interferes with the teacher's authority over the classroom.
- A *parent* is an adult who is either the parent, the guardian or the person in a parental relationship to a student.
- A *removal* is the act of a teacher discontinuing the presence of the student in his/her classroom.
- *School property* is in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a

public elementary or secondary school, or in or on a school bus as defined in § 142 of the New York State Vehicle and Traffic Law.

- A *school function* is any school sponsored extra-curricular, co-curricular or other event or activity.
- *Substantially disruptive* means that the course of instruction has to be discontinued in order to address the disruptive conduct of the student.
- *Substantially interferes* means that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist.
- A *suspension* is the act of a Building Principal (or acting building principal designated by Board Resolution), Superintendent of Schools, District BOCES Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.
- A *Violent student* is an elementary or secondary student under the age of 21 who:

    - commits an act of violence upon a school employee, or attempts to do so
    - commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property, or at the school function, or attempts to do so
    - possesses, while on school property, or at a school function, what appears to be a weapon or other dangerous instrument capable of causing death or serious bodily injury
    - displays, while on school property, or at a school function, what appears to be a weapon or other dangerous instrument capable of causing death or serious bodily injury
    - threatens, while on school property, or at a school function, to use a weapon or other dangerous instrument capable of causing death or serious bodily injury
    - knowingly and intentionally damages or destroys the personal property of a school employee or any person lawfully on school property or at a school function
    - knowingly and intentionally damages or destroys school district property

- A *weapon* is a firearm as defined in the Gun-Free Schools Act (18 USC §92 1) (any firearm, 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; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device), as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

- *Hazing* is any action, conduct or activity engaged in by one person acting alone or with others, either on or off-campus, directed against a member of the school community that endangers the mental or physical health or safety of that person, for the purported purpose of being initiated into, becoming a member of, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team, including, but not limited to:

    - any activity that induces, causes or requires the student to perform a duty or task that involves a violation of the Penal Code and/or the Student Code of Conduct
    - any activity involving the consumption of food, liquid, alcoholic beverage, liquor, drug or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student
    - any activity, such as sleep deprivation or exposure to the elements that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student
    - any type of physical contact, either person to person, or object to person, that causes, is intended to cause, or has the ability to adversely affect the mental or physical health or safety of the student

- *Bullying* is the act of threatening, stalking, coercing or intimidating, verbally, physically, in writing, by gesture or through electronic communication, the well-being, health, safety, freedom, or reputation of any person, that takes place on school property, at any school-sponsored function or on a school bus, or that takes place off of school grounds but that is designed to or has the effect of interfering with a student's ability to attend school and/or to be educated in a safe, non-hostile environment.

- ***Hate Speech* is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons on the basis of race, religion, skin color sexual identity, gender identity, ethnicity, disability, or national origin.**

Please see the Violent and Disruptive Incident Reporting (VADIR) Glossary of Terms.

STUDENTS' RIGHTS AND RESPONSIBILITIES

Students in the public schools of New York State have a right to a free, appropriate education if they are between the ages of five and 21 years (or until the child receives a high school diploma, whichever comes first). All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education age range (age six through the school year in which the student turns 16) are entitled to alternative equivalent instruction following suspension.

The District is committed to maintaining public order on school property and to provide a program of enforcement, while at the same time, protecting freedom of assembly within the school system. The District expects each student to conduct himself or herself in a manner which will create an appropriate atmosphere so that students may learn and thrive educationally to their abilities. Students are expected to understand that they have a responsibility to behave in an orderly and respectful manner. To this end, each student shall also be responsible for conducting himself or herself so as to avoid the behaviors which could lead to being disciplined.

The rights assured by the New York State Constitution and Education Law as well as the policies of this District will be fully recognized and applied. In addition to the rights referenced above, students in this District are specifically afforded the following rights:

Rights of Students

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

- take part in all District activities on an equal basis regardless of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex

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

- access school rules and, when necessary, receive an explanation of those rules from school personnel

Student Expression: Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images, or to words or images which by their very use incite others to damage property, or physically and/or emotionally injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.

School Newspapers: Participation in the process of publishing school newspapers affords students an opportunity to learn how to report the news events of the school as well as the sincere expression of all facets of student opinion. Any student newspapers and/or

publications which are paid for by the District and/or produced under the direction of a teacher as part of the school curriculum are not considered a public forum. The following are guidelines for curricular school newspapers and other school newspapers:

Curricular School Newspapers: Any school-sponsored newspaper which is part of the adopted English or Journalism curriculum, shall be under the direction of an official advisor who shall exercise editorial control over style and content of student speech within the context of legitimate pedagogical concerns and responsible journalism.

All materials shall be subject to prior review by the official advisor and by the Building Principal. Their decisions regarding production and publication shall be made within two (2) days.

Either the advisor to such school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education, may prohibit the publication of curricular school newspaper materials which are found to:

- be inappropriate (e.g., ungrammatical, poorly written, writing which is inadequately researched, biased, prejudiced, obscene, vulgar, profane or libelous)
- be unsuitable for the level of maturity of the intended audience(s)
- substantially disrupt the work of the school
- impinge upon privacy rights of other students or their families or social relations
- advocate conduct inconsistent with shared values of civilized social order (e.g., materials which promote drug or alcohol use, dangerous behavior, etc.)
- associate the school with any position other than neutrality on matters of political controversy or religion; and/or erroneously attribute the views of the individual author to the school

Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in such school newspaper, the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) days of the initial decision to prohibit such publication.

Other School Newspapers: The following guidelines shall apply to materials published in our school newspaper(s) which are not part of the adopted English or Journalism curriculum:

- All materials shall be subject to prior review by the official advisor of each school newspaper and by the Principal of the building where the newspaper is published. Their decision regarding publication shall be made within two (2) days.

- Either the advisor to the school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education, may prohibit the publication of school newspaper materials or articles to the extent that they:

    - clearly endanger the health, safety or welfare of students

    - imminently threaten to disrupt the educational process of the school

    - constitute material which is libelous or obscene

    - threaten any person or group in the school or advocate discrimination on the basis of disability, sexual orientation, genetic predisposition, carrier status, race, religion, age, sex, marital status or national origin

Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in the school newspaper(s), the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) days of the initial decision to prohibit such publication.

Non-School Publication and Materials: Publications or materials other than the official school newspaper(s) may be distributed by students at locations beyond the limits of the school grounds and on occasions other than at school-sponsored activities without the authorization of school officials.

Symbolic Expression: Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code."

Student Activities: All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the Student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

Student Government: Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.

Student Clubs and Other Student Organizations: The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state laws, as well as Board of Education policy or regulations.

Privacy Rights (Search and Seizure): Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property under both the federal and state constitutions. In light of these protections, no student's person or property, unless unattended, shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.

Pregnant Students: During a period of pregnancy related disability, a student shall be entitled to reasonable accommodations including, but not limited to, home instruction. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so except to the extent that they are restricted upon advice of their physician.

Responsibilities of Students

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected to:

- contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and to property
- be familiar with and abide by all District policies, rules and regulations dealing with student conduct
- attend school on time, be in class on time, and be prepared to learn every day unless they are legally excused
- work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
- react to direction given by teachers, administrators and other school personnel in a respectful, positive manner
- work to develop mechanisms to control their anger
- ask questions when they do not understand
- seek help in solving problems that might lead to discipline

- dress appropriately for school and school functions
- accept responsibility for their actions
- conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship
- respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined
- complete class assignments and other school responsibilities by established deadlines
- show evidence of appropriate progress toward meeting, course and/or diploma requirements
- obey school regulations and rules made by school authorities and by the student governing body
- recognize that teachers assume the role of surrogate parents in matters of behavior and discipline when at school, as well as during any school-sponsored activities
- discourage inappropriate behavior of other students (including, but not limited to, bullying, harassment and hazing,) and report the incidents to the administration

PROHIBITED STUDENT CONDUCT AND CODE INFRACTIONS

The Board of Education expects all students to conduct themselves in an appropriate and civil manner with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

The Board of Education recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
    - running in hallways
    - making unreasonable noise
    - using language or gestures that are profane, lewd, vulgar or abusive
    - obstructing vehicular or pedestrian traffic
    - engaging in any willful act, which disrupts the normal operation of the school community
    - trespassing in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
    - computer/electronic communications misuse, including any unauthorized use of computers, software, or Internet/intranet account accessing inappropriate websites; or any other violation of District policy 6411, "Use of Email in the School District."
    - unauthorized posting of activities/information on the Internet or via social media that may have a negative impact on individuals and/or our learning community.
- engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
    - failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students
    - lateness, missing or leaving school without permission
    - skipping detention
    - failure to park in designated spaces in the student parking lot
    - failing to comply with the provisions of the District's Code of Conduct
- engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:

- failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students
- actions that significantly break the continuity of instruction
- actions that disrupt orderly school operations

- engage in conduct that is violent. Examples of violent conduct include but are not limited to:
  - committing an act of violence (such as hitting, kicking, punching, biting, spitting and scratching) upon anyone on school grounds or at a school activity, whether on or off school grounds
  - possessing a weapon in school, on school property or at a school activity, whether on or off school grounds. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
  - displaying what appears to be a weapon
  - threatening to use any weapon
  - intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including creating graffiti or committing an act of arson
  - intentionally damaging or destroying school District property

- engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
  - lying to school personnel that causes or could cause detriment to persons or property
  - stealing the property of other students, school personnel or any other person on school property at school or while attending a school function
  - 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 identifiable group by demeaning them
  - discrimination, which includes the use of race, color, creed, national origin, religion, gender, marital status, genetic predisposition, carrier status, sexual orientation or disability as a basis for treating another in a negative manner

- harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, annoying, alarming, or demeaning

- intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm, such as bullying

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

- selling, using or possessing obscene material

- using vulgar or abusive language, cursing or swearing

- smoking a cigarette, cigar, pipe, e-cigarette products, vaping devices, or using other forms of tobacco such as chewing or smokeless tobacco

- possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either "Illegal substances", which include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

- using devices such as radios, boom boxes, headsets, beepers, electronic games as disruptions to the learning process these items are prohibited in school. All such equipment will be confiscated and held until a parent comes in to pick it up, or until the end of the school year.

- using (except in the case of an emergency) cell phones, and/or any other electronic communications device. Such devices must be kept out of sight and turned off by students during the day, except when used with the teacher's prior permission for purposes, for example, of calendaring, calculating and noting assignments.

- inappropriately using or sharing prescription and over-the-counter drugs in violation of the District's policy on the administration of medication or medications

- gambling

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

- inappropriate public displays of affection beyond hand holding (kissing and groping, for example)

- initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, pulling a fire alarm or discharging a fire extinguisher

- engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District owned or District contracted buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards as set out in the Code of Conduct.

- Planning and/or promoting disruption of the academic environment

- engage in any form of academic misconduct. Examples of academic misconduct include:

    - plagiarism

    - cheating

    - copying

    - altering records

    - assisting another student in any of the above actions

The following categories are additions to or clarification of prohibited conduct.

BUS SAFETY AND CONDUCT

Inappropriate behavior on a bus is any behavior that disrupts or distracts a bus driver, causes a dangerous situation for a bus driver and/or students, disturbs the orderly operation of a bus, or creates a dangerous situation for vehicles operating near a bus. Included in prohibited bus behaviors are use of any electronic devices during the operation of a school bus, including but not limited to: cell phones, pagers, audible radios, MP3's, tape recorders, compact disc players, or similar devices without headphones, or any other electronic device such as but not limited to lasers, flashes, cameras, reflective devices, or any other lights in a manner that might interfere with the school bus driver's operation of the school bus, communications equipment, or the use of mirrors.

If a student engages in acts of physical violence on the school bus, the student will be subject to the penalties set forth for that misbehavior in this Code of Conduct. In addition, if a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, the student's parents or guardian must meet with the student's principal or designee to form a school bus behavior contract for the student. The contract

shall provide progressive age-appropriate discipline, penalties, and restrictions for student misbehavior on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus.

BYSTANDER MISCONDUCT

Bystanders engage in misconduct when they do not initiate or directly participate in prohibited conduct; but rather by their action and/or inaction they allow damage or injury which could have been prevented and/or encourage prohibited conduct. For example, a student engages in bystander misconduct when, although they do not initiate or directly participate in misconduct or an altercation with another person, they watch and/or objectively allow, electronically record for the purposes of promoting the event, and/or share, or promote a preventable incident or conflict to take place or continue by failing to take action to immediately seek help and/or intervention from school employees and/or authorities and/or through their words or actions they encourage participant(s) in misconduct to engage in or to continue the conduct. Students who are found to be wrongful bystanders may be subject to discipline.

CELL PHONES & OTHER PERSONAL ELECTRONIC COMMUNICATION DEVICES

While the desire of students and parents for students to maintain a cell phone is understandable, the use of a cell phone is unnecessary while students are in school. The use of cell phones and other personal electronic communication devices is limited to designated areas. Personal electronic communication devices include, but are not limited to, iPads, iPods, and Chromebooks. These devices as well as their accessories (e.g. headphones, Bluetooth devices) are not allowed to be used during the school day in classrooms unless their use is requested by teachers. At all other times cell phones and other personal electronic communication devices and accessories should be off and put away.

The use of the camera and audio recording functions of a cell phone is strictly prohibited unless authorized by faculty or staff. The use of such devices during class will be considered cheating, and a grade of zero will be issued for that day's class activity (such as class work, quiz, or examination). Unauthorized posting of activities on the Internet is prohibited.

Cell phones and other personal electronic communication devices will be confiscated from students found to be possessing and/or using them inappropriately during the school day. Upon the first offense, items will be returned at the end of the day. Upon subsequent offenses, confiscated items will only be returned directly to parents. Consequences for continued offenses will include detention(s), suspension(s), and loss of privilege of having the device.

Employees must keep personal electronic devices turned off and put away during student instructional time except when using such devices for instructional purposes, such as calendaring and calculating and except in an emergency.

In no event shall any individual take photographs or make a recording in a zone where an individual has a reasonable expectation of privacy, including but not limited to locker rooms,

lavatories and nurse's office. In addition, viewing, sending or sharing pictures or text having sexual content ("sexting") in school, at school activities, or from off-campus sites is prohibited.

The District will not be liable for any lost or stolen communication devices.

CORPORAL PUNISHMENT AND EMERGENCY INTERVENTIONS

The Board of Education prohibits the use of corporal punishment against a student by any teacher, administrator, officer, employee or agent of this School District.

As used in this policy, corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

For purposes of this policy, an emergency means a situation in which an immediate emergency intervention involving the use of reasonable physical force for one of the following purposes is necessary:

- To protect oneself from physical injury
- To protect another person from physical injury
- To protect the property of the school district or others
- To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school function, powers or duties, or if the student has failed to comply with a request to refrain from further disruptive acts

Use of Emergency Interventions

Emergency interventions shall be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff Training

Staff persons who may be called upon to implement emergency interventions shall be provided with appropriate training in safe and effective restraint procedures.

Documentation and Parental Notice Required

Personnel involved in the use of emergency interventions shall be directed by their immediate supervisor to prepare a written report for each student upon whom emergency interventions are used. This report shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. This written report shall be forwarded to the Superintendent of Schools and the school nurse or physician. The parent of the student shall be notified of the emergency intervention by the Superintendent of Schools or his/her designee.

Ref: Rules of the Board of Regents §19.5, 8 NYCRR Section 100.2(l)(3)(i)

DRESS CODE

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

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

- be safe, **APPROPRIATE**, and not disrupt or interfere with the educational process
- include footwear at all times
- not include items that are vulgar, obscene, libelous, or denigrate others on account of marital status, genetic predisposition, carrier status, race, color, religion, creed, national origin, gender, sexual orientation or disability
- not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities

Final determination of what is appropriate will be made by the administration of each building.

Each building administrator or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code may 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.

Students who violate these rules will be subject to disciplinary action and/or item(s) will be confiscated.

GUN-FREE SCHOOLS ACT

Consistent with the Gun-Free Schools Act of 1994, any pupil who is determined (in accordance with the procedures provided in Educ. Law 3214) to have brought a weapon[1] to school shall be suspended for a period of not less than one calendar year. The Superintendent of Schools shall have authority to modify this suspension requirement for all students on a case-by-case basis. The Superintendent's determination will be subject to review by the Board of Education in accordance with Education Law 3214(a) and thereafter to the Commissioner of Education pursuant to 310 of the Education Law. Nothing in this policy shall be deemed to authorize suspension of a student with disability in violation of either the IDEA or Article Eighty-Nine of the Education Law. The Superintendent shall refer a pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with Article Three of the Family Court Act. The Superintendent shall refer any pupil sixteen years of age or older who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials

HARASSMENT AND INTIMIDATION

The Board of Education is committed to providing a safe and productive learning environment within the District. Harassment and intimidation of or by students, faculty, staff, or visitors are strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus.

Bullying Behavior

Bullying of a student by another student is inappropriate and can be considered harassment. For purposes of this Code, the term "bullying" among students is defined, in general, as a variety of negative acts carried out repeatedly over time. Bullying involves a real or perceived imbalance of power, with a seemingly more powerful student or group attacking a seemingly less powerful student or group. Bullying can take several forms such as:

- Physical (including, but not limited to hitting, kicking, spitting, pushing, taking personal belongings)

- Verbal (including, but not limited to taunting, malicious teasing, name calling, making threats, racial slurs/hate speech)

[1] A "weapon" as defined by NY Educ. Law §3214(3)(f) and 18 USC § 921 means a firearm, which is defined as 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, the frame or receiver of any such weapon, any firearm muffler or firearm silencer; or any "destructive device" which is defined as: an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or similar device; any type of weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; any combination of parts either designed or intended for use in converting any device into any "destructive device" as defined above. Antique firearms are specifically excluded from the definition.

- Psychological (including, but not limited to spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)

- Electronic (including but not limited to the use of cyber tools to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone)

Bullying is characterized by:

- Power Imbalance: A bully uses his/her physical or social power over a target.

- Intent to Harm: A bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.

- Threat of Further Aggression: The bully and/or the target believe the bullying will continue.

- Terror: The bullying increases and becomes "systematic violence or harassment used to intimidate and maintain dominance." (Barbara Coloroso, The Bully, The Bullied, & The Bystander, 2003)

All types of bullying behaviors are violations of the Code of Conduct and shall be dealt with immediately with appropriate discipline. Persistent psychological bullying can easily become harassment and as such may be considered for disciplinary action.

Students are encouraged to immediately report any act of bullying to a staff member. The building administration shall investigate any such complaint and take appropriate action. Such action may include disciplinary action and/or referral to school counselors.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor.

Prevention, intervention, and aftercare initiatives at the District, building, and classroom levels will be implemented as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims, and their parents to help ensure that the bullying behaviors and victimization stops.

Cyber Bullying:
Cyber bullying is the use of cyber tools and informational technology such as social media, e-mail, blogging, instant messaging, text messaging, chat rooms, pagers, or cell phones to deliberately harass, humiliate, embarrass, threaten, target, or intimidate someone. Cyber bullying can include such acts as making threats, sending provocative insults that contain racial or ethnic slurs, gay bashing, or making other inappropriate comments. It might also include attempting to infect the victim's computer with a virus or flooding an e-mail inbox with nonsense messages. Cyber bullying can be disruptive to the academic environment even though it may originate from a personal computer off of school grounds and beyond the

school day. Cyber bullying is prohibited behavior that may warrant an appropriate school consequence. Some cyber bullying may be considered cyber-harassment or cyber stalking which may be serious crimes. In some cases, it may be necessary to inform the local police department.
In conjunction with building administration, all School Social Workers, IST Chairs, and School Psychologists will be designated to receive reports and to investigate incidents of bullying

Hazing
Hazing is defined as any activity that in any way degrades a student as a prerequisite to joining any official or unofficial student group. Hazing is degrading, inappropriate, and strictly prohibited in any form. All acts of hazing shall be considered harassment and shall be immediately investigated. Any individual who fosters, encourages, or participates in any act of hazing shall be subject to appropriate discipline.

Dignity For All Students (District Policy # 7550)

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

BUILDING	DESIGNEES	POSITION	TELEPHONE
Concord Road Elementary School	Ms. Tiffany Babb	Assistant Principal	914-231-0820
Ardsley Middle School	Ms. Jennifer Goldenberg	Assistant Principal	914-295-5620
Ardsley High School	Mr. Frank Carlson	Assistant Principal	914-295-5820

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each (DAC) 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 (including gender identity or expression), and sex. Training will also be provided for DACs that addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board of Education.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents/persons in parental relation.

a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and

b) Including in the *Code of Conduct's* plain-language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and

c) Providing to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other such method of distribution, as soon as practicable thereafter; and

d) Posting it in highly visible areas of school buildings; and

e) Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board, within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;

b) Address social patterns of harassment, bullying, and discrimination and the effects on students;

c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;

d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;

f) Provide strategies for effectively addressing problems of exclusion, bias and aggression;

g) Include safe and supportive school climate concepts in curriculum and classroom management; and

h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Harassment, Bullying, or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it, to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee shall notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior ("Whistle-Blower" Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation including, but not limited to, any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

504 Accommodations

Section 504 of The *Rehabilitation Act of 1973*: "No otherwise qualified individual with a disability. . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ."

504 Contact For Employees	504 Contact For Students
Mrs. Susan Seda, 914-295-5639 sseda@ardsleyschools.org	Mrs. Susan Seda, 914-295-5639 sseda@ardsleyschools.org

Title VI:

Title VI: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VI Officer For Employees	Title VI Officer For Students
Dr. Jennifer Bradshaw, 914-295-5520 jbradshaw@ardsleyschools.org	Dr. Jennifer Bradshaw, 914-295-5520 jbradshaw@ardsleyschools.org

Title VII

Title VII: "It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

Title VII Officer
Dr. Jennifer Bradshaw, 914-295-5520, jbradshaw@ardsleyschools.org

Title IX

Title IX: "...[N]o person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance."

Title IX Officer for Employees	Title IX Officer for Students
Dr. Jennifer Bradshaw, 914-295-5520 jbradshaw@ardsleyschools.org	Dr, Jennifer Bradshaw, 914-295-5520 jbradshaw@ardsleyschools.org

IDENTIFICATION CARDS

All faculty and staff must wear District Identification Cards while in the District.

INTERSCHOLASTIC SPORTS

Additional details regarding behavior expectations for student athletes are contained in the Interscholastic Handbook and are incorporated herein by reference. See Policy and Regulation 7420.

LOCKER ROOMS AND RESTROOMS

All offenses enumerated in this Code of Conduct apply to student behavior in school restrooms and locker rooms. Students are expected to help keep restrooms clean and safe. Also, students are expected to report disruptive, unsafe, and/or unclean conditions in restrooms to an administrator. No cell phones, camcorders, video recorders, or cameras are allowed in locker rooms or restrooms.

OFF-CAMPUS MISCONDUCT

A student may be subject to discipline for conduct constituting a crime which is engaged in off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education reasonably believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off campus conduct that does not involve criminality that the Superintendent of Schools and/or Board of Education reasonably believes has a nexus to the educative process, i.e.: student-student, student-personnel interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities.

Penalties for misconduct will be determined in accordance with the severity of the violation. Please see the Discipline Chart in the appendix of this Code.

POSSESSION OF CONTROLLED SUBSTANCE

The use, possession, sale, distribution or gift, of any drug or controlled substance, including marijuana or any instruments for the use of such drug, controlled substance or marijuana, such as a pipe, syringe, or other paraphernalia, or being under the influence of any drug or controlled substance including marijuana, while on school premises (including buildings or grounds) or while in attendance at a school function or school-sponsored function, whether on or off school premises, is prohibited. An exception is made for any drug taken in accordance with a current prescription signed by a physician, which is to be administered by the nurse in accordance with District Policy.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building administrator or his or her designee, or to law enforcement. Any social worker, psychologist, or student observing a student who violates the Code of Conduct including but not limited to possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a nurse, guidance counselor, teacher, the building administrator, the building administrator's designee or the superintendent.

District staff members who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to their immediate supervisor and a staff member who is authorized to impose an appropriate sanction.

All staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. The building administrator or his or her designee must notify the appropriate local law enforcement agency of those code violations that may reasonably constitute a crime as soon as practical, but in no event later than the close of business the day the building administrator or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

Any weapon, alcohol or illegal substance found shall be confiscated immediately. The procedures for formal Education Law 3214 discipline will be followed.

SELF-DEFENSE

Physical assault and fighting are not allowed. Those who are involved in such physical altercations will be subject to disciplinary action. All circumstances of self-defense will be taken under consideration by administration. Self-defense is using reasonable force against another when and to the degree a person reasonably believes the force is immediately necessary to protect him or herself. Fighting after staff intervention is prohibited.

STAFF-STUDENT RELATIONS (FRATERNIZATION)

All District employees must maintain a professional and ethical relationship with students; one that is conducive to an effective, safe learning environment. Staff must establish appropriate personal boundaries with students and must not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a personal relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, and may result in the notification of law enforcement officials and the State Education Department. Criminal charges may be filed and/or disciplinary action up to and including termination of employment may be taken by the District.

Inappropriate employee behavior includes, but is not limited to making suggestive comments, dating, requesting sexual activity, displaying physical affection, giving inappropriate personal gifts, communicating with a student (via phone, email, letters, notes, etc.) in a manner which is unrelated to course work or official school matters, providing alcohol or drugs to students, touching inappropriately, and engaging in sexual contact and/or sexual relations.

Any student who believes that he/she has been subjected to inappropriate staff behavior, as well as students, school employees, or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member, the employee's supervisor, the student's principal, and/or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or "reasonable suspicion" that another employee may have engaged in inappropriate conduct which may constitute child abuse in an educational setting must also follow the District's reporting procedures for such allegations. Such information will be reported by the designated administrator to law enforcement officials, the State Education Department, and/or Child Protective Services.

STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at

school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct. Students are not entitled to any sort of Miranda type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, Building Principals/assistant principals and the Senior Security Monitor to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

Before searching a student or the student's belongings, the authorized school official should ask whether the student possesses physical evidence in an attempt to get the student to voluntarily consent to the search. Searches will be limited to the scope 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. The school principal or his/her designee is authorized to open lockers in the presence of another witness and to examine their contents to include personal belongings of students when such person has reasonable suspicion to believe that the contents threaten the safety, health, or welfare of any student or include property stolen from school personnel, or other students. This policy does not preclude administrators from being able to randomly search lockers. 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.

Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent in consultation with the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others. Strip searches may only be conducted by an authorized school official of the same gender as the student being searched and in the presence of another District professional employee who is also of the same gender as the student. School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact, if the parent could not be reached by telephone.

Documentation of Searches

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

- name, age and grade of student searched
- reasons for the search
- name of any informant(s)
- purpose of search (that is, what item(s) were being sought)
- type and scope of search
- person conducting search and his or her title and position
- witnesses, if any, to the search
- time and location of search
- results of search (that is, what item(s) were found)
- disposition of items found
- time, manner, and results of parental notification

The Building Principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is/are turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities within 24 hours.

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

Police Involvement in Searches and Interrogations of Students

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

- a search or an arrest warrant or
- probable cause to believe a crime has been committed on school property or at a school function or
- are in hot pursuit of a person who is believed to be present on school property

Before police officials are permitted to question or search any student, the Building Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The principal or designee will also be present during any police questioning or search of a student on school property

or at a school function.
Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- they must be informed by the police of their legal rights
- they may remain silent if they so desire
- they may request the presence of an attorney

Law Enforcement Trained Narcotics Detection Dogs
Only trained narcotics detection dogs under the control of law enforcement agencies shall be used in locker, automobile, or parcel searches. Dogs will not be used to search students at any time.

Law Enforcement Trained Bomb Detection Dogs
Only trained bomb detection dogs under the control of law enforcement agencies shall be used in searches. Bomb Detection Dogs are designed for the detection of bombs and other explosive devices.

TECHNOLOGY

Acceptable Use and Conduct

· Access to the District's computer network is provided solely for educational purposes and research consistent with the District's mission and goals.

· Use of the District's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.

· Each individual in whose name an access account is issued is responsible at all times for its proper use.

· All network users will be issued a login name and password. Passwords must be changed periodically.

· Only those network users with written permission from the principal or computer network coordinator may access the District's system from off-site (e.g., from home).

· All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.

· Network users identifying a security problem on the District's network must notify the appropriate teacher, administrator or computer network coordinator. Under no circumstance should the user demonstrate the problem to anyone other than to the

District official or employee being notified.

· Any network user identified as a security risk or having a history of violations of District computer use guidelines may be denied access to the District's network.

Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the District's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

· using the network for commercial activity, including advertising

· infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the District computer network

· recording and sharing of virtual instruction/lessons/interfacing

· using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material

· using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others

· using another user's account or password

· attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail

· forging or attempting to forge e-mail messages

· engaging in vandalism; Vandalism is defined as any malicious attempt to harm or destroy District equipment or materials, data of another user of the District's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.

· using the network to send anonymous messages or files

· using the network to receive, transmit or make available to others a message that is inconsistent with the District's Code of Conduct

· revealing the personal address, telephone number or other personal information of oneself or another person

- using the network for sending and/or receiving personal messages
- intentionally disrupting network traffic or crashing the network and connected systems
- installing personal software or using personal disks on the District's computers and/or network without the permission of the appropriate District official or employee
- using District computing resources for commercial or financial gain or fraud
- stealing data, equipment, software, or intellectual property
- gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user
- wastefully using finite District resources
- changing or exceeding resource quotas as set by the District without the permission of the appropriate District official or employee
- using the network while access privileges are suspended or revoked
- using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette

No Privacy Guarantee

Students using the District's computer network should not expect, nor does the District guarantee privacy for electronic mail (e-mail) or any use of the District's computer network. The District reserves the right to access and view any material stored on District equipment or any material used in conjunction with the District's computer network.

Penalties

All users of the District's computer network and equipment are required to comply with the District's policy and regulations governing the District's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited, to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

District Responsibilities

The District makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the District assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the District's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided.

The District will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The District also will not be responsible for unauthorized financial obligations resulting from the use of or access to the District's computer network or the Internet.

Further, even though the District may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the District policy and regulation.

Internet Safety

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of District computers for access to the Internet. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and

- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using District computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the internet. The Superintendent or his or her designee shall establish and implement procedures

that enforce these restrictions.

The computer network coordinator designated under the District's Computer Network or Acceptable Use Policy, shall monitor and examine all District computer network activities to ensure compliance with this policy and accompanying the regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the District's computer network, including access to the internet, must understand that use is a privilege, not a right, and that any such use entrails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the District's Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

Internet Access

Student internet access is addressed in policy and regulation 7315 Acceptable Use Policy for Technology and the Internet-Students. District employees and third party users are governed by the following regulations:

- employees will be issued an e-mail account through the District's computer network
- employees will receive District communication via e-mail. Employees are encouraged to review their e-mail daily
- communications with parents and/or students should be saved and the District will archive the e-mail records according to procedures developed by the Director of Library, Media and Technology
- employees may access the Internet for education-related and/or work-related activities
- employees shall avoid using computer resources for personal use
- employees are advised that they must not have an expectation of privacy in the use of the District's computers and e-mail
- use of computer resources in ways that violate the acceptable use and conduct regulation outlined below will be subject to discipline

Acceptable Use and Conduct

The following regulations apply to all staff and third party users of the District's computer system.

- access to the District's computer network is provided solely for educational and/or research purposes and management of District operations consistent with the District's mission and goals

- use of the District's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege

- each individual in whose name an access account is issued is responsible at all times for its proper use

- all network users will be issued a login name and password. Passwords must be changed every 60 days

- only those network users with permission from the principal or Director of Library, Media and Technology may access the District's system from off-site (e.g., from home)

- all network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate

- network users identifying a security problem on the District's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of District computer use guidelines may be denied access to the District's network

Prohibited Activity and Uses

The following is a list of prohibited activity for all staff and third party users concerning use of the District's computer network. Any violation of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- using the network for commercial activity, including advertising

- infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the District computer network

- using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material

- using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others

- use or sharing of another's account or password
- attempting to read, delete, copy or modify the data of other system users
- forging or attempting to forge e-mail messages
- engaging in vandalism, defined as any malicious attempt to harm or destroy District equipment or materials, data of another user of the District's network or of any of the entities or other networks that are connected to the Internet, including but is not limited to, creating and/or placing a computer virus on the network
- using the network to send anonymous messages or files
- revealing the personal address, telephone number or other personal information of oneself or another person
- using the network for sending and/or receiving personal messages, except where authorized
- intentionally disrupting network traffic or crashing the network and connected systems
- installing personal software or using personal disks on the District's computers and/or network without the permission of the appropriate District official or employee
- using District computing resources for fraudulent purposes or financial gain
- stealing data, equipment, software, or intellectual property
- gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalizing the data of another user
- wastefully using finite District resources
- changing or exceeding resource quotas as set by the District without the permission of the appropriate District official or employee
- using the network while your access privileges are suspended or revoked
- using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette

No Privacy Guarantee
Users of the District's computer network should not expect, nor does the District guarantee, privacy for electronic mail (e-mail) or any use of the District's computer network. The District reserves the right to access and view any material stored on District equipment or any material used in conjunction with the District's computer network.

Penalties
All users of the District's computer network and equipment are required to comply with the District's policy and regulations governing the District's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.
Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

District Responsibilities
The District makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the District assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the District's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information.

The District will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or any other errors or omissions. The District also will not be responsible for unauthorized financial obligations resulting from the use of or access to the District's computer network or the Internet.

Further, even though the District may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the District policy and regulation.

TRESPASSING ON SCHOOL PROPERTY/LOITERING
Students are not allowed to enter the premises of a school other than his/her school, unless prior permission is received from an administrator of the school to be visited, or unless the school is hosting a school-related function, such as an academic or athletic activity. A student may not enter or remain in any school building on weekends or after school hours without authorization or permission. NOTE: When a student refuses to leave any school property and/or returns to any school property after being instructed by school staff or law enforcement staff to leave the property, the student will be in violation of this section and the matter will be referred to law enforcement. Students should not remain in the parking lot or other areas of any school building when they do not have classes or are not participating in District related activities.

TRUANCY/CUTTING CLASS/LEAVING SCHOOL/UNAUTHORIZED WALK-OUT
Failure to attend school all or part of the instructional day without a lawful excuse is prohibited. During regular school hours, students are not allowed to leave classrooms, the school building, or campus without school permission. Students who are truant will receive after school detention and the School District will take further action including notifications of parents and authorities.

VANDALISM
Destruction of and/or threats to destroy or damage or deface school, private, or public property which includes, but is not limited to, setting fires, attempts to destroy, damage, or deface school or staff property or property used by the school, and/or vandalism is prohibited.

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

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

- the student's age and grade
- the nature of the offense and the circumstances which led to the offense
- the student's prior disciplinary record
- the effectiveness of other forms of discipline
- information from parents, teachers, and/or others, as appropriate
- other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. **However, certain serious violations result in suspension, etc. *regardless of it being the first violation*.** If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior which is determined to be a manifestation of his/her

disability unless such conduct involves drugs, weapons or serious bodily injury as defined herein.

- The repeating of an infraction may lead to the imposition of a more serious measure of discipline.
- Chronic repeating of infractions may lead to long-term suspension or permanent suspension (expulsion).
- All infractions will be dealt with at the discretion of the Administration.
- It is understood that the District has the authority to modify any of the aforementioned steps based upon the individual circumstances presented.

Students Who Bring a Weapon to School:

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

- the student's age
- the student's grade in school
- the student's prior disciplinary record
- the Superintendent's belief that other forms of discipline may be more effective
- input from parents, teachers and/or others
- other extenuating circumstances

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

Students Who Commit Violent Acts Other Than Bringing a Weapon to School:

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least two days. The Superintendent has the authority to modify the minimum two-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.

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

Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority over the Classroom:

Any student who repeatedly is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom will be suspended from school for at least two days. For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester.

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

Penalties
Anytime a referral is written and a consequence is assigned for inappropriate behavior, a parent should be contacted. When a student receives a referral, a discipline file for that student is created and maintained in the office. The file is checked whenever the student receives another referral. Discipline will be assigned in a fair and progressive fashion. The range of disciplinary options that may be imposed for violations of the Code of Conduct may be assigned alone or in combination. Penalties include, but are not limited to the following:

- oral warning by any member of the District staff
- referral to counseling
- written warning by bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, acting principal, principal, superintendent
- written notification to parent by bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, acting principal, principal, superintendent
- detention (before school, after school) by teachers, acting principal, principal, superintendent
- suspension from transportation, acting principal, principal, superintendent
- suspension from athletic participation by coaches, athletic director, acting principal, principal, superintendent
- suspension from social or extracurricular activities by activity director, acting principal, principal, superintendent
- suspension of other privileges by acting principal, principal, superintendent
- in-school suspension by acting principal, principal, superintendent
- removal from classroom by teacher by teachers, acting principal, principal
- short-term (five days or less) suspension from school by principal, acting principal, superintendent, board of education
- long-term (more than five days) suspension from school by superintendent, board of education

- permanent suspension from school by superintendent, board of education

Please note: When a student engages in criminal activity on school grounds, the School District will assist law enforcement officials as necessary. As warranted, charges may be pressed by victims or by school officials. Please be reminded that depending on the student's age, some criminal activity (i.e. bomb threats or weapons) may include incarceration as determined by a court of law.

Procedures

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

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

Detention

Teachers, principals and the superintendent may use recess or after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

In-school suspension

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

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214; however, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct, present his/her side of events and confront complaining witnesses, and the penalty involved prior to assigning the student to in-school-suspension.

Suspension from Transportation Service

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the Building Principal. Students who become serious disciplinary problems may have their riding privileges suspended by the Building Principal or the superintendent. In such cases, the student's parent will become responsible

for seeing that the child gets to and from school safely. Should the suspension from transportation be a long term suspension that amounts to a suspension from attendance; the School District will afford the student with a due process hearing in accordance with Education Law Section 3214.

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

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a Code of Conduct issued to participants in the activity by the activity supervisor, coach or athletic director. Said suspending authority shall confront the student prior to suspension, offer the student notice of the reason for his/her suspension and provide an opportunity to present his or her version of the events. Written notice of the student's suspension from an extra-curricular, co-curricular activity or school function shall be sent by the suspending authority to the student and his/her parents by hand delivery or express mail to ensure receipt within 24 hours. Said notice shall inform the parent and student of their right to an informal conference with the suspending authority at which they will have the opportunity to confront complaining witnesses and present evidence in the student's defense. Following said meeting, a final decision will be reached regarding the suspension. Appeal of the suspension may be made to the student's Building Principal within 14 days. Upon the request of the student's parent, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally to discuss the conduct which led to suspension from the activity.

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

Teacher Removal of a Student from the Classroom

The District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors. Early in the academic year, teachers will make every effort to familiarize themselves with all available information and records about the program placement of every student in their classes. A wide range of behavior modification interventions and time-honored management techniques should support students in all of the educational programs, and teacher removal of a disruptive student should only be done following application of these interventions. 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.

A classroom teacher may remove a disruptive student for up to two days from his/her classroom when the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall

mean that the course of instruction has to be discontinued such that it significantly breaks the continuity of the lesson, in order to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist.

If the teacher finds that the pupil's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the proposed removal and allow the pupil to informally present the pupil's version of relevant events.

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 within 24 hours 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.

The teacher must immediately notify a building administrator or designee and complete a District-established disciplinary removal form.

The principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal. Upon request, the student and or his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the parent, upon notification by the authorized administrator, requests an informal conference, the teacher is obliged to be present at the conference, provided the teacher is given reasonable advance notice and the conference takes place during the regular work day.

If, at the informal meeting, the student denies the charges, the building administrator or 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. Parent(s) and/or the student have an opportunity to disagree. The informal conference must be held within 48-hours of the student's removal. If such 48-hour period were to terminate on a day in which school is not in session, such meeting shall be scheduled as soon as possible on the next school day. The timing of the informal meeting may be extended by mutual agreement of the parent and building administrator. The authorized administrator must decide to uphold or reverse the removal before the end of the following school day. The authorized administrator must notify the teacher and parent(s) of this decision in writing.

The Principal may overturn the removal of the student from class if the authorized administrator finds any one of the following:

- the charges against the student are not supported by substantial evidence
- the student's removal is otherwise in violation of law, including the District's Code of Conduct

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

The building administrator 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 teacher will be permitted to return to the classroom until the building administrator makes a final determination, or the period of removal expires, whichever is sooner.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. In the event of teacher removal of a disruptive student in accordance with the Code of Conduct, continued educational programming will be provided as soon as practical.

Each teacher must keep a record for all cases of removal of students from his or her class. The building administrator must also keep records of all removals of students from class.

STUDENT SUSPENSION PROCESS

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

The Board of Education, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student is:

- insubordinate or disruptive, or exhibits conduct which endangers the safety, morals, health or welfare of others
- removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom
- violent during attendance at school.

Although the Board retains its authority to suspend students, it places primary responsibility for the suspension of students with the superintendent and the Building Principal or acting principal.

Any staff member may recommend to the Building Principal or acting principal that a student be suspended. All staff members must immediately report and refer a violent student to the Building Principal or acting principal for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Building Principal or acting principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension for up to five (5) days, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Pre-suspension Process and Short Term Suspension Process (up to 5 School Days)

Prior to being suspended from school, the student shall be personally questioned by the Building Principal, acting principal or Superintendent of Schools, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. Additionally, the principal, acting principal or Superintendent will attempt to make telephone contact to the parents or guardian of the student and inform them of the proposed suspension, the basis for it and of parent's right to request an informal conference with Principal to personally question complaining witnesses and present evidence. Also, written notice of the same shall be mailed (by express mail so as to ensure receipt within 24 hours) to parents or hand delivered within 24 hours. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the parental conference shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases where the student does not present a continuing danger or ongoing threat of disruption, there shall be no suspension until after the student has been personally questioned, afforded an opportunity to explain his/her version of the facts and the informal principal's conference has been held or waived.

The right to an informal conference with the principal shall also extend to a student of 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent.

Any appeal brought by the parent or a student who is over the age of 18 of a principal's suspension must be presented to the Superintendent prior to filing any further appeal. The decision of the Superintendent may be appealed to the Board of Education and then to the New York State Commissioner of Education.

The Long-Term Suspension Process: Suspension for More than Five Days

Pattern of Long-term Suspensions

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

When a student is subject to a long-term suspension, a hearing shall be conducted by the Board of Education and the Superintendent or his/her designee as determined by the school authorities. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make recommended findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

Hearing Procedures

Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, notice of rights at the hearing, as well as the nature of the charge(s).

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

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

The Long-Term Suspension Hearing

The hearing shall be conducted by the Board of Education, Superintendent or a designated Hearing Officer. At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s) that:

- the District's and the student's representatives shall have the right to examine and cross-examine witnesses
- the student may be represented by an attorney, parent or other adult
- the student has the right to present witnesses in defense of their actions
- the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination
- the District has the burden of proving the charges by a preponderance of credible evidence
- a recording (format to be determined at the District's discretion) of the proceedings shall be maintained and made available to the student's representative upon request and that the hearing shall be private or open to the public, as determined by the student's representative

The Hearing Officer shall inform the parties that:

- the case will proceed by having the District present its evidence through witnesses and other evidence first
- the District's witnesses shall be subject to cross-examination by the student or his/her representative

- the student will then have the opportunity to present witnesses on his/her behalf, subject to cross- examination by the District's representative

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

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served in 48 hours advance with the student's past disciplinary anecdotal record, it may be offered for consideration at the hearing, and such record may be considered by the Hearing Officer in determining an appropriate penalty. If the student or his/her representative challenges incidents contained in the past anecdotal record, he/she shall be entitled to a hearing with regard to the same prior to the use of this record.

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

The Superintendent or Board, respectively, shall make their own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process should be concluded within the five school day period from the time of the initial suspension. The decision shall be immediately communicated to the student's representative and/or student (when the student is over the age of 18).

Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education within 120 days. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education and the courts of law in accordance with applicable law and regulations.

Referrals

- Counseling (The CSE, Social Worker, Psychologist and/or Guidance Office) shall 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 demonstrates that he or she requires supervision and treatment by:

    - being habitually truant and not attending school as required by part one of Article 65 of the Education Law
    - engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school

    - knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition
    - Manifestation team meeting must be held prior to referring a student with a disability to a PINS proceeding.

- Juvenile Delinquents and Juvenile Offenders

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

        - any student under the age of 16 who is found to have brought a weapon to school or

        - any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42)

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

Alternative Instruction

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

In the event that a student within the compulsory education ages of six and the end of the school year in which s/he becomes 16 is suspended from school in excess of five school

days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

SUSPENSION OF STUDENTS WITH DISABILITIES

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

If guilt is determined, before a penalty may be imposed, the rules outlined below shall apply.

§504/ADA Disability

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

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

- Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol or who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

IDEIA Disability

For students classified or presumed to have disabilities under the IDEIA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days when aggregated with prior recent suspensions or removals would constitute a disciplinary change in placement.

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

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

- the parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement or

- the parent of the student has requested an evaluation of the student in writing or

- a teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures

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

- the parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE")

- the parent of the student has refused special education services or

- it was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability

Manifestation Determinations

A Manifestation Team shall include a representative of the School District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the School District. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an opportunity to attend and is informed of their right to have relevant members of the CSE participate at the parent's request.

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

    - the conduct in question was caused by or had a direct and substantial relationship to the student's disability or

    - the conduct in question was a direct result of the School District's failure to implement the IEP

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

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

Discipline of Students With Disabilities When the Manifestation Team Makes an Affirmative "Manifestation Finding"

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

- the CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice
- a court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained
- the violation involves weapons, drugs/controlled substances or serious bodily injury

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

A student classified or suspected of having a disability under IDEIA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less) if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

- In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."

- In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

- In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

- If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification.

- A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEIA for more that 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is “dangerous” and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

- The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.

- If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing plan for modification.

- An impartial hearing officer’s determination allowing a student’s placement in an IAES as a result of dangerous behavior is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE’s recommendation.

Discipline of Students With Disabilities when the Manifestation Team has made a “No Manifestation Finding”

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

Pendency Placement

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

Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

PUBLIC CONDUCT ON SCHOOL PROPERTY

Visitors to the Schools

The Ardsley Union Free School District encourages parents, community members, and other citizens to visit its programs and classrooms to observe the work of students, teachers, and other staff. However, since our facilities are places of work and learning, certain guidelines must be set for such visits. The building and/or facility administrator or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the rules outlined below apply to visitors to School District programs.

- Anyone who is not a District staff member or a District student will be considered a visitor.

- All visitors to the instructional program must report to the greeter, or, if a greeter is not present, to the office of the building administrator upon arrival at the facility. Visitors are 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 facility or on the grounds. The visitor must return the identification badge to the greeter or building administrator's office before leaving the building.

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

- Parents or citizens who wish to observe a classroom while instructional programs are in session are required to arrange such visits in advance with the building administrator so that class disruption is kept to a minimum.

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

- Any unauthorized person on District property will be reported to the building administrator or his or her designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.

- All visitors are expected to abide by the rules for public conduct on District property contained in this Code of Conduct.

Public Conduct on School District Property

The Ardsley Union Free School District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on District property and at District functions. For purposes of this section of the code, "Public" shall mean all persons when on District property or attending a District function including students, teachers and other school personnel.

The restrictions on public conduct on District property and at District 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 its objectives. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

- All persons on District property or attending a District function shall conduct themselves in a respectful and orderly manner. In addition, all persons on District property or attending a District function are prohibited from wearing:

    - clothing promoting the use or sale of alcohol or illegal drugs and/or tobacco products
    - shirts that expose the midriff
    - extremely low cut tops or revealing undergarments
    - shorts or skirts which expose undergarments, buttocks and other private parts
    - bedroom/mesh slippers, shower shoes, flip-flops, open toed shoes
    - clothing or jewelry, with studded, pointed, or sharpened edges
    - pants/trousers worn off waist or the pants crotch at knees are prohibited if undergarments not covered or if they present a health and safety issue
    - heavy chains for billfolds/wallets

- shirts/clothing which show offensive and/or vulgar words, pictures, diagrams, drawings or include words or phrases of a violent nature, a disruptive nature, a sexual nature, or words or phrases that are derogatory regarding a person's ethic background, color, race, national origin, religious belief, sexual orientation, gender or gender preference or disability are prohibited.

Prohibited Conduct

No person, either alone or with others, shall:

- intentionally bully or injure any person or threaten to do so, physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain, unless so authorized by a District official

- intentionally or negligently damage, remove or destroy District property or the personal property of a teacher, administrator, other employees or any person lawfully on District property, create graffiti or commit an act of arson

- disrupt the orderly conduct of classes, District programs or other District activities

- distribute or wear materials on District grounds or at District functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the District program

- intimidate, harass, bully or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability

- enter any portion of the District premises without authorization, remain without authorization in any building or facility after it is normally closed for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others, refuse to leave any building or facility after being required to do so by an authorized administrative officer or member of the faculty or staff

- obstruct the free movement of any person in any place to which this Code applies, deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers

- violate the traffic laws, parking regulations, or other restrictions on vehicles

- possess, consume, sell, distribute, or exchange alcoholic beverages, illegal drugs, and/or cigarettes, vaping devices, and/or controlled substances on District property or at a District function

- be under the influence of illegal drugs or contained substances at school, District functions or on District property

- possess or use weapons (any rifle, shotgun, pistol, revolver, or other firearm or item covered in the definition of "weapon") on school grounds or at school sponsored functions whether or not a license to possess the same has been issued to such person except in the case of law enforcement officers or except as specifically indicated

- loiter on school property

- gamble on District property or at District functions and events

- refuse to comply with any reasonable order of identifiable District officials performing their duties

- willfully incite others to commit any of the acts prohibited by this code

- violate any federal or state statute, local ordinance or board policy while on District property or while at a District function

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

Penalties And Procedures

Persons who violate this code shall be subject to the penalties outlined below.

Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and, where necessary, appropriate legal action, arrest and/or prosecution. Their access to school grounds and programs may thereafter be restricted.

Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

Faculty: They shall be subject to disciplinary action as the facts may warrant in accordance with New York State Education Law §3020-a Collectively Negotiated Agreements or any other legal rights that they may have.

Classified Staff: Civil service employees entitled to the protection of Civil Service Law §75. Shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law §75, Collectively Negotiated Agreements or any other legal rights that they may have.

Other: Staff members other than those described above shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with New York State and Federal Law and Regulation.

Enforcement

The Superintendent or his/her designee or the Building Principal or his/her designee shall be responsible for enforcing the public conduct required by this Code.

When the building administrator or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the administrator or his/her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The administrator or his/her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the administrator or his/her designee shall have the individual removed immediately from District property or the District function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

DISSEMINATION AND REVIEW

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

- providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year and receiving a written statement from each student acknowledging receipt and review of the same

- making copies of the code available to all parents at the beginning of the school year

- mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request

- providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption and receiving a written acknowledgement from each staff member that they have received and reviewed the same

- providing all new employees with a copy of the current Code of Conduct when they are first hired and receiving a written acknowledgement from each staff member that they have received and reviewed same

- making copies of the Code available for review by students, parents and other community members

The Board of Education will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

Before adopting any revisions to the Code, the Board of Education will hold at least one public hearing, at which school personnel, parents, students or other interested parties may be present.

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

APPENDIX

- **Project SAVE Overview**
- **VADIR Glossary**
- **Sign-off Letters**

SCHOOLS AGAINST VIOLENCE IN EDUCATION (SAVE) LEGISLATION

In his State of the State address on January 6, 1999, former Governor George E. Pataki announced the creation of a Task Force on School Violence. Lt. Governor Mary O. Donohue was appointed to chair the Task Force. The Lt. Governor gathered together a broad representation of qualified individuals from across the state, including students, parents, teachers, school administrators, law enforcement experts, business leaders, mental health professionals and local elected officials. The goal was to bring the best methods of improving school safety to every school to ensure that students are focused on meeting the high academic standards rather than on personal safety.

On July 24, 2000, former Governor Pataki signed into law the most comprehensive legislative plan in the nation, entitled Project SAVE (Safe Schools Against Violence in Education), to promote a safer and more effective learning environment within New York State's schools.

There are 16 components of SAVE Legislation:

1. District-Wide School Safety Plan
2. Building-Level Emergency Response Plans
3. Codes of Conduct
4. Teacher Authority/Principal Authority
5. Uniform Violent Incident Reporting
    a. (Violent and Disruptive Incident Reporting - VADIR)
6. Instruction in Civility, Citizenship, and Character Education
7. Health Curriculum
8. Interpersonal Violence Prevention Education
9. School Violence Prevention Training
10. Whistle Blower Protection
11. Fingerprinting
12. Assaults on Teachers
13. Child Abuse Reporting
14. Prohibiting Silent Resignations
15. Teacher Discipline
16. Court Notification

SAVE legislation and the regulations that accompany it, are designed to promote positive programming, to prevent violence from erupting, and to unite school communities around desired behaviors in schools. It is important to note that the Middle School and High School referral forms are aligned with the terminology in the Code of Conduct and the VADIR report.

GLOSSARY OF TERMS USED IN REPORTING

VIOLENT AND DISRUPTIVE INCIDENTS

NEW YORK STATE EDUCATION DEPARTMENT

Incident Categories

(1) ***Homicide:*** Any conduct which results in the death of another person, with or without a weapon.

(2) ***Sexual Offenses:***

2.1 **Forcible Sex Offenses:** Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon, including but not limited to, rape and sodomy. Pursuant to Penal Law §130.00(8), "**forcible compulsion**" means "to compel by either: (a) use of force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "**aggravated sexual contact**" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "**Oral sexual conduct" and "anal sexual conduct"** mean oral or anal sex**.**

2.2 **Other Sex Offenses:** involving inappropriate sexual contact but no forcible compulsion, with or without a weapon. Other sex offenses, includes, but is not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age. However, it does not include consensual conduct involving students and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least 4 years older than the youngest participant.

Inappropriate **sexual contact** requires physical contact with another person but no forcible compulsion. It includes, but is not limited to, the following conduct:

a. touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc.
b. removing another student's clothing to reveal underwear or private body parts
c. brushing or rubbing against another person in a sexual or provocative manner
d. a student first rubbing his/her own genitalia and then touching another person's body

Note: Verbal sexual harassment is reported in category 10 (Intimidation, Harassment, Menacing or Bullying). Self-exposure or "mooning," depending on the

circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).

(3) ***Robbery:*** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.

(4) ***Assault with Serious Physical Injury:*** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the School District's code of conduct. Pursuant to Penal Law §10.00(10), **"serious physical injury"** means physical injury creating a substantial risk of death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

(5) ***Arson:*** Deliberately starting a fire with intent to damage or destroy property, with or without a weapon. The fire may be started by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with or without a weapon. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.

(6) ***Kidnapping:*** To abduct, as defined in Penal Law §135.00, a person, so as to restrain such person with intent to prevent his or her liberation, by either: (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force, with or without a weapon.

(7) ***Assault with Physical Injury:*** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the School District's code of conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain includes, but is not limited to, severe headaches, joint, or muscle pain.

(8) ***Reckless Endangerment:*** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury, with or without a weapon. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:

a. Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth,

concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

b. Incidents involving a person choking another individual, including, but not limited to incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.
c. Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.
d. Driving a car erratically and recklessly in a school parking lot while other student(s), staff, or individuals are present.

(9) ***Minor Altercations:*** involving physical contact and no physical injury, with or without a weapon. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.

(10) ***Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact:*** Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process, with or without a weapon. Incidents **not** resulting in a disciplinary or referral action are reported in Item 2 of the *Summary of Violent and Disruptive Incidents Form*. Incidents of harassment involving physical contact are reported in the Category 9 (Minor Altercations).

Verbal sexual harassment is also reported in category 10. Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).

(11) ***Burglary:*** Entering or remaining unlawfully on school property with intent to commit a crime, with or without a weapon.

(12) ***Criminal Mischief:*** Intentional or reckless damaging of the property of the school or of another person, including, but not limited to vandalism and the defacing of property with graffiti, with or without a weapon.

(13) ***Larceny or Other Theft Offenses:*** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another, with or without a weapon.

(14) ***Bomb Threat:*** A telephoned, written, verbal or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property, with or without a weapon.

(15) ***False Alarm:*** Causing a fire alarm or other disaster alarm to be activated by either falsely reporting or activating a fire alarm or other type of disaster alarm, with or without a weapon.

(16) ***Riot:*** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm, with or without a weapon.

(17) ***Weapons Possession:*** Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

Weapons:

a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;

b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;

c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;

d. a sandbag or sandclub;

e. a sling shot or slungshot;

f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken;

g. an explosive, including but not limited to, a firecracker or other fireworks;

h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;

i. an imitation gun;

j. loaded or blank cartridges or other ammunition; or

k. any other deadly or dangerous instrument.

(18) ***Drug Use, Possession, or Sale:*** Illegally using, possessing or being under the influence of a controlled substance or marijuana, on school property, with or without a weapon, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting.

(19) ***Alcohol Use, Possession, or Sale.*** Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space, with or without a weapon; illegally selling or distributing alcohol on

school property; finding alcohol on school property that is not in the possession of any person.

(20) ***Other Disruptive Incidents:*** Other incidents involving disruption of the educational process and that rise to the level of a consequence listed in the *Summary of Violent and Disruptive Incidents Form* (columns j-o). Reportable incidents are limited to those resulting in disciplinary action or referral.

Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).

Other Definitions

Disciplinary or Referral Action: For purposes of reporting, a disciplinary or referral action includes a referral to: Counseling or Treatment Programs, Teacher Removal, Suspension from Class or Activities, Out-of-School Suspension, Involuntary Transfer to Alternative Education Program or Law Enforcement/Juvenile Justice (refer to definitions below).

Counseling or Treatment Programs: For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc..). Note: Routine referrals of a student to a principal or assistant principal for possible disciplinary action should <u>not</u> be counted as a referral to counseling or treatment program.

Teacher Removal: For purposes of reporting, a "teacher removal" means the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a). Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal.

Suspension from Class or Activities: For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/ extracurricular activities, such as band, choir, or athletics. All incidents resulting in an in-school suspension that lasts for the equivalent of one school day or more must be reported. Suspensions from activities or transportation for five or more consecutive school days must also be reported.

Out-of-School Suspension*:* The student is suspended from attending school for at least one day.

Transfer to Alternative Education Program: For purposes of reporting, a "transfer to an alternative education program" means any transfer to an educational program in a setting outside of the student's home school to which the student is referred as part of or in lieu of disciplinary action, i.e., as a consequence of the child's misconduct. This includes, but is not limited to, involuntary transfers pursuant to Education Law §3214(5) and placement of students with disabilities in interim alternative educational settings.

Transfer to Law Enforcement/Juvenile Justice: For purposes of reporting, referrals to law enforcement or juvenile justice include each incident whereby the perpetrator is referred to the police, law enforcement officers, or criminal justice services.

Gang Related: An incident is gang related if it is gang motivated or if gang membership caused the incident or contributed to actions that occurred during the incident. For example, an incident of vandalism or robbery might be part of an initiation into a gang, or a fight might be caused by gang rivalry. Report an incident as gang-related only if certain that gang membership contributed to the incident. A gang is an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity. This definition is from the National Center for Education Statistics.

Bias Related: An incident is bias related if it is motivated by hate due to some characteristics or perceived characteristics of the victim including race, gender, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or disability. Any act or attempted act is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets; vandalism; force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim. This definition is from the National Center for Education Statistics.

ARDSLEY UNION FREE SCHOOL DISTRICT

Code of Conduct Letter of Agreement for Students

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. To that end, please review the Code of Conduct, and sign and return this form to the building principal by a time designated by the building principal.

I understand that by signing this form, I acknowledge that:

- I have received and reviewed a copy of The Ardsley Union Free School District's Code of Conduct which is the guideline for behavior in the School District, and

- I have reviewed the acceptable use and prohibitions of The Ardsley Union Free School District's technology, computer, and Internet access.

- The Code of Conduct was reviewed with me by school officials at a general and/or classroom assembly held at the beginning of this school year.

Student: _____ Grade: _____
(Please Print)

Student: _____ Date: _____
(Signature)

Parent: _____ Date: _____
(Signature)

ARDSLEY UNION FREE SCHOOL DISTRICT

Code of Conduct Letter of Agreement for Employees

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. To that end, please review the Code of Conduct, and sign and return this form to the building principal.

I understand that by signing this form, I acknowledge that:

- I have received and reviewed a copy of The Ardsley Union Free School District's Code of Conduct which is the guideline for behavior in the School District.

- I have reviewed the acceptable use and prohibitions of The Ardsley Union Free School District's technology, computer, and Internet access.

Employee: _____ Date: _____
(Please Print)

Employee: _____
(Signature)