ORCHARD PARK CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

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Orchard Park Central Schools Code of Conduct
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I. Introduction

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

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

The Board of Education recognized the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. Further, the Board of Education recognizes the importance of instruction as defined in the Dignity for All Students Act. All District staff members will comply with these provisions by providing instruction on tolerance, respect for others, and dignity, including awareness and sensitivity to harassment, bullying, cyberbullying, discrimination, and civility. This includes, but is not limited to , actual or perceived differences in race, color, weight, national origin, ethnic group, religion, religious practices, mental or physical disability, socio-economic status, sexual orientation, gender and sex. To this end, the Board adopts this Code of Conduct in compliance with New York State Education Law.

Unless otherwise indicated, this Code applies to all students, school personnel, parents, volunteers, vendors, contractors, and visitors when on school property or attending a school function. This Code also applies to off-campus conduct that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct might reach school property.

II. Definitions

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

"Board" means the Board of Education of the District.

"Bullying" has been described by the U.S. Department of Education as unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated over time. Bullying generally involves the following characteristics:

- An Imbalance of Power: Individuals who bully use their power, such as physical strength, position of authority, access to embarrassing information, or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- Intent to Cause Harm: The person bullying has a goal to cause harm. Bullying is not accidental.
- Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once. A behavior may, however, occur only once and be considered bullying.

Examples of bullying include, but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things and making mean or rude hand gestures.

"Classroom" means any educational area.

"Controlled substance" means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act.

"Disability" means (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological condition that prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, (b) a record of this type of impairment, or (c) a condition regarded by others as an impairment, provided, however that with respect to employment, the term is limited to disabilities that, upon provision of a reasonable accommodation, do not prevent the complainant from performing the activities involved in the job or occupation sought or held in a reasonable manner.

"Discrimination" means the practice of conferring or denying privileges based on a person's actual or perceived membership in a legally protected class, such as race, color, weight, national origin, ethnic group, religion, religious practice, creed, disability, sexual orientation, gender, or sex.

"Disruptive Student" means an elementary or secondary student who substantially interferes with the educational process or a teacher's authority over a classroom.

"District" or **"School"** means Orchard Park Central School District.

"Gender" means actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones. It includes a person's gender identity or expression.

"Harassment" and/or **"Bullying"** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be 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 or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and nonverbal actions. (Education Law §11[7]).

"Illegal drugs" means a controlled substance, except for those legally possessed or used under the supervision of a licensed health-care professional or under any other authority in accordance with the Controlled Substances Act or any other federal law.

"Off-campus conduct" or **"Off-school conduct"** means acts, communication, threats, intimidation, or abuse that occurs off school property that creates or would foreseeably create a risk of substantial disruption within the school environment or that might reach school property.

"Orchard Park Staff" or **"District Staff"** means any adult employed by the District.

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

"Principal" means the building principal.

"School Bus" means every motor vehicle operated for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from school or a school function.

"School Property" or **"School Premises"** means in or within any building, structure, athletic playing field, playground, parking lot, grounds, or other real property utilized by the District as well as any moveable property that is either owned or leased by the District or within the District's control.

"School Function" means any school related event or activity.

"Superintendent" means the person appointed by the Board as the District's Superintendent of Schools.

"Violent Act" means to cause physical or emotional harm to a person, or damage to property.

"Violent Threat" is a statement of one's intention to cause physical or emotional harm to a person or damage to property.

"Violent Student" means any person enrolled as a student who:

1. Commits an act of violence upon any Orchard Park staff or attempts to do so.

2. Commits, while on school premises or at a school function, an act of violence upon another student or other person lawfully on school premises or at the school function, or attempts to do so.

3. Possesses, displays, or threatens to use a weapon or what appears to be a weapon while on school premises or at a school function.

4. Knowingly and intentionally damages or destroys personal property belonging to others on school property or at a school function.

5. Knowingly and intentionally damages or destroys school property.

"Visitor" means any person not enrolled in or employed by the District on school premises or at a school function.

"Weapon" means any item that can cause physical injury or bodily harm or is perceived as having that capacity. (see also Section IX(A)(2)(d)(i)).

III. Student Rights and Responsibilities

The District is committed to safeguarding the rights given to all students under state and federal law and District policy. To promote a safe, healthy, orderly, and civil school environment, all District students have these rights and responsibilities as well as the responsibilities specified in each building's Code of Conduct.

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning.

2. Show respect to other persons and to property in accordance with this Code and the Dignity for All Students Act.

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

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

5. Work to the best of their abilities in all academic, co-curricular, and extracurricular pursuits, and strive toward their highest level of possible achievement.

6. Respond to direction given by teachers, administrators, and other District staff in a respectful, positive, and timely manner.

7. Express oneself in a positive and socially acceptable manner.

8. Learn, develop, and apply mechanisms to control their behavior.

9. Ask questions when they do not understand.

10. Seek help in solving problems that may result in disciplinary action.

11. Dress appropriately for school and school functions.

12. Accept responsibility for their actions.

13. Conduct themselves as representatives of the District when participating in or attending school functions, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

14. Communicate potentially dangerous situations to District staff or a District employee.

15. Promote an environment free from harassment, bullying, cyberbullying, and discrimination by demonstrating conduct that fosters civility, kindness and acceptance.

16. When using the internet off school property, conduct themselves in a manner that does not create or foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, communication, threats, intimidation, or abuse might reach school property.

17. Report incidents of harassment, bullying, cyberbullying, or discrimination that they witness, and encourage others to report any of these types of incidents to the building administrator or Dignity Act Coordinator (DAC) in a timely manner.

18. Take part in all activities and school functions on a equal basis and regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

IV. Essential Partners

A. Parents/Guardians

All parents are expected to:

1. Recognize that their child's education is a joint responsibility with the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school daily and on time.
4. Ensure absences are excused under the District attendance policy.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment.
6. Know and support school rules and help their children understand them.
7. Exemplify an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, staff, curriculum, and activities through attending parent/teacher conferences and school functions.
8. Build good relationships with teachers and other school personnel.
9. Recognize that teachers are legally acting in place of a parent and deserve consideration and respect from their children.
10. Help their children deal effectively with peer pressure.
11. Provide appropriate methods, support, and resources to help students control behavior (e. g. anger management).
12. Inform school officials of changes in the home situation that may affect student behavior or performance, and work in cooperation with the school regarding school-related problems.
13. Provide a place for study, and ensure homework assignments are completed on time.
14. Familiarize themselves with their child's friends and friends' families.
15. Lead by example, and conduct themselves in a courteous, respectful manner.
16. Model behavior that is free from harassment, bullying, cyberbullying and discrimination.
17. Teach their children respect and dignity for themselves and other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender,/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
18. Report incidents of harassment, bullying, cyberbullying, or discrimination to the building administrator or DAC in a timely manner.
19. Exemplify conduct that fosters civility, kindness, and acceptance toward all people.

B. Teachers

All District teachers are expected to:

1. Maintain a safe learning environment.
2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for students and their achievement.
5. Provide appropriate methods and support to help students control behavior (e.g. anger management).
6. Know school policies and rules, and enforce them in a fair and consistent manner.
7. Communicate expectations regularly to students and parents for student performance, classroom conduct, and student growth and achievement.
8. Lead by example and conduct themselves in a courteous, respectful and professional manner that fosters civility, kindness and acceptance toward all people.
9. Maintain a learning environment that is free from harassment, bullying, cyberbullying and discrimination.
10. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.
11. Report incidents of harassment, bullying, cyberbullying, or discrimination they witness or that are reported to them to the building administrator or DAC in a timely manner.

C. SRPs (School Related Professionals)

All District SRP's are expected to:

1. Assist in maintaining a safe climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Assist and support student learning.
3. Demonstrate concern for student achievement and behavior.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Lead by example and conduct themselves in a courteous, respectful and professional manner that fosters civility, kindness and acceptance towards all people.
6. Assist in maintaining a learning environment that is free from harassment, bullying, cyberbullying, and discrimination.
7. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.
8. Report incidents of harassment, bullying, cyberbullying, or discrimination that they witness or that are reported to them to the building administrator or DAC in a timely manner.

D. School Counselors, Social Workers, and Psychologists

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

1. Maintain a safe learning environment.
2. Assist students in coping with peer pressure and personal, social, and emotional issues that affect success in school.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to promote growth and achievement in school.
4. Regularly review and assist students in their educational progress and future plans.
5. Encourage students to benefit from the curriculum, co-curricular, and extracurricular programs.
6. Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all people.
7. Assist in maintaining a learning environment that is free from harassment, bullying, cyberbullying, and discrimination.
8. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.
9. Report incidents of harassment, bullying, cyberbullying, or discrimination that they witness or that are reported to them to the building administrator or DAC in a timely manner.

E. Principals

All District Principals are expected to:

1. Share a summary of the Code of Conduct with the student body at the beginning of each school year.
2. Promote a safe, orderly, and stimulating school environment, supporting effective teaching and learning.
3. Regularly be available to students and essential partners (*see* Section IV) to receive communications and engage in conversations about issues and concerns.
4. Evaluate all instructional programs on a regular basis.
5. Support the development of student participation in appropriate co-curricular and extracurricular activities.
6. Be responsible for enforcing the Code of Conduct and ensuring that all issues are resolved promptly and fairly.
7. Lead by example, and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
8. Know school policies and rules, and enforce them in a fair and consistent manner.
9. Inform all essential partners, when appropriate, of disciplinary problems and disciplinary measures taken to modify misbehavior, and maintain fairness, reasonableness, and consistency.

10. Maintain a school environment that is free from harassment, bullying, cyberbullying and discrimination.
11. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.
12. Investigate or report incidents of harassment, bullying, cyberbullying, or discrimination that you witness or that are reported to you in a timely manner.

F. Superintendent of Schools

The Superintendent of Schools is expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting effective teaching and learning.
2. Review with District administrators, the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all issues are resolved promptly and fairly.
6. Lead by example and conduct themselves in a courteous, respectful and professional manner that fosters civility, kindness and acceptance toward all people.
7. Maintain school environments that are free from harassment, bullying, cyberbullying, and discrimination.
8. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.
9. Report incidences of harassment, bullying, cyberbullying, or discrimination that members witness or that are reported to them to the appropriate building administrator or appropriate DAC in a timely manner.
10. Know school policies and rules, and enforce them in a fair and consistent manner.

G. Board of Education

Board members are expected to:

1. Collaborate with students, essential partners, and other District staff to develop a Code of Conduct that clearly defines expectations for the conduct of students, District staff, and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting themselves in a professional, respectful, courteous manner at all times.
4. Know school policies and audit them for alignment with District practice.
5. Adopt policies to provide students with a school environment free of harassment, bullying, cyberbullying, and discrimination.

6. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.

7. Report incidences of harassment, bullying, cyberbullying, or discrimination that members witness or that are reported to them to the appropriate building administrator or appropriate DAC in a timely manner.

8. Appoint a DAC in each school building. The 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/gender identity and sex. The DAC will be accessible to students and other District staff members for consultation and advice as needed on the Dignity Act.

H. Dignity for All Students Act Coordinators: Dr. Langheier, High School, Mrs. Graham, Middle School, Ms. Clinard, Eggert Road Elementary, Miss. Hall, Ellicott Elementary, Mr. Dolce, South Davis Elementary and Mrs. Glowacki, Windom Elementary

All DAC's (at least one per building) are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.

2. Participate in required training in the areas of actual and perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex and gender/gender identity.

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

4. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.

5. Accept reports regarding violations and conduct investigations as appropriate.

I. Others

The category of "others" refers to any other visitor or personnel not expressly identified in a category above. Specifically included in the definition of "others" are temporary or seasonal personnel including but not limited to coaches, advisors, and instructors in Community Education.

Others are expected to:

1. Assist in maintaining a safe climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.

2. Assist and support student learning.

3. Demonstrate concern for student achievement and behavior.

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

5. Lead by example and conduct oneself in a courteous, respectful and professional manner that fosters civility, kindness, and acceptance toward all people.

6. Assist in maintaining a learning environment that is free from harassment, bullying, cyberbullying, and discrimination.

7. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.

8. Report incidents of harassment, bullying, cyberbullying, or discrimination that they witness or that are reported to them to the building administrator or DAC in a timely manner.

V. Student Dress Code

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

Safety and belonging are important components of a positive school culture. The dress code policy is focused on promoting both. Students may dress in any style they desire and may present themselves in a way that is consistent with their identity.

Students will:

1. Dress in a manner that is safe, appropriate, and that will not disrupt or interfere with the educational process of other students.
2. Not wear clothing that has vulgarities or obscenities, or that is libelous toward or denigrating of others.
3. Not wear clothing that promotes or endorses the use of alcohol, tobacco, cannabis, or illegal drugs, or that encourages other illegal or violent activities.
4. Ensure that undergarments are completely covered with outer clothing.

VI. Prohibited Student Conduct

The District expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of others, and for the care of school property and equipment.

Discipline should be self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District staff who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students' ability to grow in self-discipline. Students who do not accept responsibility for their own behavior and who violate school rules may be disciplined up to and including suspension from school.

Students may be disciplined when they:

A. Engage in conduct that is disorderly.

Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise
3. Using language or gestures that are profane, lewd, vulgar, abusive, intimidating, that incite others, or that are otherwise inappropriate.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any act that disrupts the normal operation of the school community or educational process.
6. Trespassing. Students are not permitted in any school building during the regular school day, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.
8. Use of cell phones, recording devices, cameras, or other electronic devices during the instructional day except when expressly permitted by an administrator, a teacher or staff member. Outside of the instructional day, students are prohibited from using such electronic devices to engage in behavior that is a violation of the District's Acceptable Use Policy or that would cause substantial interference with the educational process.

B. Engage in conduct that is disruptive or insubordinate.

Examples of disruptive or insubordinate conduct include, but are not limited to:

1. Failing to timely comply with reasonable requests of teachers, school administrators, or other District staff in charge of students.
2. Demonstrating disrespect.

3. Tardiness for, missing, or leaving school without permission.
4. Skipping assigned disciplinary sessions (e.g. detention).
5. Lying to school personnel.
6. Unauthorized or inappropriate use of electronic devices.

C. Engage in conduct that is violent.

Examples of violent conduct include, but are not limited to:

1. Committing or attempting to commit an act of violence upon any person lawfully on school property or at a school function.
2. Possessing a weapon. Only authorized law enforcement officials may have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of any person lawfully on school property or attending a school function.
6. Intentionally damaging or destroying District property.

D. Engage in any conduct that endangers the safety, morals, health, or welfare of others.

Examples of this conduct include, but are not limited to:

1. Stealing the property of other students, District staff, or others lawfully on school property or attending a school function.

2. Defaming the reputation of other students or District staff, by making intentionally false statements or representations, either verbally or in writing, that are intended to or actually cause harm to the reputations of other students or District staff or subject other students or District staff to undue embarrassment.

3. Harassing, bullying, cyberbullying, or discriminating; any student who creates a hostile environment by conduct, communication, verbal threats, intimidation, or abuse, of such a severe nature that:

    a. has or would have the effect of reasonably and substantially interfering with a student's educational performance, opportunities or benefits or mental, emotional, or physical well-being; or
    b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

    Harassment may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones, the internet, or social media; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment, bullying,

cyberbullying, and discriminatory conduct that warrants disciplinary action may occur off campus.

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

5. Selling, using, distributing, or possessing obscene material.

6. Speech prohibited by Section VI (A)(3).

7. Use of or possession of tobacco, cannabis (marijuana), and nicotine products or its related paraphernalia. This includes e-cigarettes, vapors, and other such tobacco, cannabis (marijuana), or nicotine products, excluding nicotine-cessation products.

8. Possessing, consuming, selling, distributing, using, sharing, or exchanging alcoholic beverages, cannabis (marijuana), illegal substances, lookalike substances, synthetic or designer drugs or substances, or any other substance which is intended to alter mood, or being under the influence of these substances. The District also prohibits inappropriately possessing, consuming, selling, distributing, using, sharing, or exchanging prescription or over-the-counter medication or drugs.

9. Gambling, (wagering for money or something of value on an event with an uncertain outcome [e.g., sporting events] in the hope of winning additional money or items of value).

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

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

E. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while using District transportation and other contracted services 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 the established standards for classroom behavior. Excessive noise, pushing, shoving, harassment, discrimination, and fighting will be subject to discipline. Furthermore, students are expected to adhere to all requirements of the Dignity Act while being transported on a school bus; students must not engage in harassment, bullying, cyberbullying, or discrimination.

F. Engage in any form of academic misconduct.

Examples of misconduct include, but are not limited to:

1. Plagiarism

2. Cheating

3. Copying

4. Altering records

5. Assisting another student in any of these actions.

6. Violation of the Acceptable Use Policy

7. Forgery

G. Engage in Cyberbullying

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, bullying, discriminating, teasing, intimidating, or threatening another student or District staff by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs) which have the effect of:

1. Physically, emotionally, or mentally harming a student.

2. Placing a student in reasonable fear of physical, emotional, or mental harm.

3. Placing a student in reasonable fear of damage to or loss of personal property.

4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

5. Creating or foreseeably creating a risk of substantial disruption within the school environment, where it is foreseeable that the off campus conduct, threats, communication, intimidation, or abuse might reach school property.

All forms of bullying are unacceptable and, to the extent that these actions are disruptive of the educational process of the District, offenders will be subject to appropriate staff intervention, which may result in discipline. Complaints of bullying or cyberbullying will be investigated promptly, and corrective action will be taken when a complaint is verified. The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, or any other individual who participated in the investigation of the cyberbullying complaint.

H. The absence of a specific rule will not be a license or reason for showing disrespect or limiting the rights of others.

VII. Reporting Violations

All students are expected to promptly report any violations of the Code of Conduct to a teacher, District staff member, guidance counselor, or Principal. Most importantly, any student observing an individual possessing a weapon, alcohol, or illegal substance or another individual engaging in harassment, bullying, or discrimination on school property or at a school function will report this information immediately to an appropriate adult, school official, or District staff. Additionally, any student that observes cyberbullying off campus shall immediately report this misconduct to a school official or employee.

All District staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor(s), who may in turn impose an appropriate disciplinary sanction.

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

The Principal must notify the appropriate local law enforcement agency of Code of Conduct violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal learns of the violation. The notification will be by appropriate mail service and followed up by a phone call, if time permits. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

VIII. Disciplinary Consequences, Procedures, Referrals, and Alternative Instruction.

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.

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers, or others, as appropriate.
6. Other mitigating or extenuating circumstances.

Discipline for students with a disability or students suspected of having a disability will be administered consistent with the separate requirements of the Code of Conduct for disciplining students with a disability or presumed to have a disability (See Section IX). A student identified as having a disability will not be disciplined for behavior that is determined to be a manifestation of his/her disability.

A. Consequences

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

1. Verbal warning- any member of the District staff or its representative.
2. Written warning- any member of the District staff or its representative.
3. Written notification to parents- any member of the District staff or its representative.
4. Removal from classroom/educational area- teachers, Principal, administrator.
5. Restitution for stolen or vandalized property.
6. Teacher Detention- any member of the District staff.
7. Office Detention- Principal.
8. Suspension from transportation- Principal, Superintendent of Schools in consultation with the Director of Transportation.

9. Suspension from athletic participation- coaches, Athletic Director, Principal, Superintendent of Schools (*see* Co-Curricular Eligibility Policy).

10. Suspension from social, co-curricular or extracurricular activities- activity director, Principal, Superintendent of Schools.

11. Saturday Detention-Principal

12. In-school suspension- Principal, Superintendent of Schools

13. Short-term (five days or less) suspension from school- Principal, Superintendent of Schools, Board of Education.

14. Long-term (more than five days) suspension from school- Superintendent of Schools, Board of Education.

15. Permanent suspension from school- Superintendent of Schools, Board of Education.

B. Procedures

As part of their education, students need to learn to be responsible. This includes accepting responsibility for their behavior. Consequences may include:

Warning- any member of the District staff or its representative may verbally inform a student of the impropriety of his/her conduct (with possible parent contact).

Teacher Detention- A student is detained after school with a teacher. A student must complete his/her detention before attending any other school activities. District staff should notify the student's parents/guardians prior to teacher detention.

Office Detention- A student is detained after the school day and is supervised by school personnel. Students are expected to complete school work or read. Talking or socializing is prohibited. School personnel should notify the student's parents/guardians prior to the office detention.

Suspension from transportation- A student is prohibited from using school-provided transportation, however, he/she must attend school. Parents are responsible for arranging transportation to and from school.

Suspension from athletic participation- A student is not allowed to participate in school-sponsored sporting events.

Suspension from social, co-curricular, or extracurricular activities- A student is not allowed to participate in or attend these activities.

Saturday detention- A student participates in a supervised session on a Saturday.

Teacher disciplinary removal of disruptive students (2 periods)- A disruptive student is one who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. A classroom teacher may remove a disruptive student from class for an extended period of time, (more than one class period), however this applies only to that teacher's class. Unless the

student's presence in the classroom poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the teacher will provide the student with an informal opportunity to be heard prior to removal. In all instances, the teacher will provide the student with an informal opportunity to be heard within 24 hours of the removal.

Following the decision to remove a disruptive student from the classroom, the teacher must complete a disciplinary referral form and meet with the Principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral form. If the Principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal before the beginning of classes on the next school day.

Within 24 hours after the student's removal from the classroom, the Principal or another District administrator designated by the Principal must notify the student's parents/guardians that the student has been removed from class and why. Written notice will be sent by mail or by some other means reasonably calculated to ensure receipt within 24 hours of the student's removal. The notice must also inform the parent/guardian that he/she has the right to request an informal conference with the Principal or the Principal's designee at which the Principal or the Principal's designee will explain the reasons for the removal.

The Principal may require the teacher who ordered the removal to attend the informal conference, if one is requested. If, at the informal conference, the student or parent/guardian denies the charges, an informal hearing will be conducted within 48 hours of the initial removal. At the informal hearing, the student will have the opportunity to present his/her version of the events surrounding the removal. The informal conference should be held within 48 hours of the student's removal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds that:

1. the charges against the student are not supported by substantial evidence; or

2. the student's removal is otherwise in violation of law or the District's Code of Conduct.

The Principal 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 an informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

The Principal may increase the disciplinary consequences imposed upon the student to either an in-school or out-of-school suspension if the Principal concludes the student's conduct warrants.

Any disruptive student removed from the classroom by the classroom teacher will be provided continued educational programming and activities in a setting pre-designated by the teacher until the student is permitted to return to the classroom.

Each teacher must keep a complete record for all cases of removal of student's, both short term (e.g., timeouts) and extended periods of time from his/her class. The Principal must keep a record of all student removals in his/her building.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her classroom until the teacher has verified with the Principal or the Chairperson of the Committee On Special Education that the removal does not violate the student's rights under state or federal law or regulation.

In-School Suspension- A student remains in school in an in-school suspension room for an extended period of time.

Out-of-School Suspension- A student is kept out of school in accordance with the processes set forth in Education Law § 3214.

Exhaustion of Administrative Remedies

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

Students who repeatedly violate the Code of Conduct may be recommended for additional review or action.

C. Referrals to Non-School Agencies

1. Counseling- The guidance office will handle all referrals of students to counseling.
2. 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/she requires supervision and treatment by:
    a. Being habitually truant and not attending school.
    b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
    c. Knowingly possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders- The Superintendent of Schools will refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
    a. Any student under the age of 16 who is found to have brought a weapon to school, or
    b. Any student 14 or 15 years old who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42).

D. Alternative Instruction

When a teacher exercises a disciplinary removal for a student of any age, or a student of compulsory attendance age is suspended from school, the District will take immediate steps to provide alternative means of instruction for the student.

IX. Discipline of Students with Disabilities

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

    a. A "suspension" means a removal from the school or general population for one or more days.

    b. A "removal" means an exclusion from the student's current educational placement for disciplinary reasons, other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer, because the student poses a risk of harm to himself/herself or others.

    c. An "interim alternative educational setting" (IAES) means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum and to progress toward meeting the goals set out in the student's individual education plan (IEP), while continuing to receive the appropriate services and modification, and includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

    a. The Board of Education, Superintendent of Schools, or a Principal my order the placement of a student with a disability into an appropriate IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

    b. The Superintendent of Schools may, consistent with the procedural requirements set forth in Education Law § 3214, order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a.) above for the same behavior, if the Superintendent determines that the student has engaged in

behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

c. The Superintendent of Schools may, consistent with the procedural requirements set forth in Education Law § 3214, order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The Superintendent may, consistent with procedural requirements set forth in Education Law § 3214, order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for a period equivalent to the term of the suspension ordered by the Superintendent following a Superintendent's hearing or 45 days, whichever is less, when a student carries or possesses a weapon on school premises or at a school function; the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while on school premises or at a school function; or the student inflicts serious bodily injury on another person while on school premises or at a school function.

i. "Weapon" means the same as dangerous weapon under 18 U.S.C. § 930 (g) (w) which includes a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury. (*see also* Article II).

ii. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting not more than 45 days at a time, if maintaining the student in his/her educational placement poses a risk or harm to the student or others.

B. Change of Placement Rule

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

a. For more than 10 consecutive school days; or

b. For a period of 10 consecutive school days, or less if the student's suspensions accumulate to more than ten school days in a school year because of such factors as the length of each suspension or removal, the total amount the student is removed and the proximity of the suspensions or removals to one another.

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

The District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, however based on a pattern of suspensions or removals if the CSE has determined that the

behavior was not a manifestation of the student's disability, or the student is placed in a IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The District's Committee of Special Education (CSE) will:

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

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

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

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

    a. The parent of the student has expressed concerns in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education. The expression of concern need not be in writing if the parent does not know how to write or has a disability that prevents a written statement; or

    b. The parent of the student has requested an evaluation of the student in conformity with state special education regulations; or

c. A teacher of the student or other personnel of the district has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the administrator in charge of special education or to other supervisory personnel of the District.

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

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

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

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

D. Expedited Due Process Hearings

1. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations if:

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

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

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

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

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

E. Referral to Law Enforcement and Judicial Authorities

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

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

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

X. Corporal Punishment

Corporal punishment is any act of physical force upon a student to punish that student.

Corporal punishment of any student by any District staff is strictly forbidden.

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

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

2. Protect the property of the school or others.

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

Consistent with District policy #7350, whenever a District staff member uses physical force against a student, the District staff member, will, within the same school day, make a report to the Superintendent describing in detail the circumstances and nature of the action taken. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XI. Student Searches and Questioning of Students

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

In addition, the Board of Education authorizes the Superintendent, Principals, school nurses, and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. A person may be considered a reliable informant if they have previously supplied information that was accurate and verified, if they make an admission against their own interest, if they provide the same information that is received from other independent sources, or if they appear to be credible, and the information they communicate relates to an immediate threat to safety.

Before searching a student or the student's belongings, the authorized school official should question the student to elicit an admission that he/she possesses physical evidence or that they violated the law or the District Code, or to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches and questioning will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks, and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no expectation of privacy with respect to these places, and school officials retain complete control over them. This means that student lockers, desks and other school storage places are exclusive property of the District and may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Use of Handheld Metal Detectors

An authorized school official may search a student or the student's belongings, including the student's outer clothing, pockets, or property utilizing a handheld metal detector when the 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. The use of a handheld metal detector will be related to the objectives of the search and minimally intrusive.

C. Strip Searches

A strip search is a search that requires a student to remove any or all of his/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 or the school attorney. The only exception to this rule requiring advance 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 sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

School officials will attempt to notify the student's parents/guardians by telephone before conducting a strip search, or in writing after the fact if the parent/guardian could not be reached by telephone.

D. Police Involvement in Searches and Police Questioning of Students

District officials are committed to cooperating with police and other law enforcement authorities to maintain a safe school environment. Police, 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 may enter school property or a school function to question or search a student or to conduct a formal investigation involving any students only if they have:

1. A search or arrest warrant; or

2. Probable cause to believe a crime has been committed on school premises or at a school function; or

3. Been invited by school officials to investigate a crime alleged to have occurred on school premises or at a school function.

Before police are permitted to question or search any student, the Principal or his/her designee will first try to notify the student's parent/guardian to give the parent/guardian the opportunity to be present during the police questioning or search. If the student's parent/guardian can not be contacted prior to the police questioning or search, the questioning or search will not be conducted unless the conditions enumerated above exist. The Principal or his/her designee will also be present during any police questioning or search of a student on school premises or at a school function.

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

E. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the mandated obligation of school officials to report to child protective services when they have a reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services (CPS) workers who wish to interview students on school property relating to allegations of suspected child abuse or maltreatment or custody investigations.

All requests by Child Protective Services to interview a student on school property will be made directly to the Principal. The Principal will decide if it is necessary and appropriate for a school official to be present during the interview or to observe the interview from another room. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the CPS worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his/her clothing in front of a Child Protective Services worker or District official of the opposite sex. CPS and any of its team members must comply with the District's Code of Conduct and any other applicable policies or procedures.

In the absence of a court order, a Child Protective Services worker may not remove a student from school property, unless the worker reasonably believes that the student would be subject to danger of abuse if he/she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's/guardian's consent.

XII. Visitors to the Schools

Schools are a place of work and learning and certain limits must be set for visitors. The Principal or his/her designee is responsible for all persons on school property. For these reasons, the following rules apply to visitors:

1. Anyone who is not a staff member or a student in that building is a visitor.

2. Visitors may be granted entrance to school buildings after stating the intention of their visit and presenting government issued photo identification. Upon entering the building, the visitor's identification will be scanned, making an electronic record of their visit, and to check the visitor's identification on the national sex offender registry. Visitors may be asked to sign-in on the visitor registry. Visitors must wear an identification tag at all times while on school property. The visitor must return the identification tag to the front desk before leaving.

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

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

5. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct and the code of each building.

6. When individual board members visit the schools, they must abide by the policy and procedure regarding school visits contained in paragraphs 1-5.

7. Any unauthorized person on school property will be reported to the Principal or his/her designee. Unauthorized persons will be directed to leave the building. If the situation warrants, the police may be called.

XIII. Public Conduct on School Property

The District is committed to providing an orderly environment that is based on respect and is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" means all persons on school property or attending a school function.

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

All persons on school property or attending a school function will conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school functions are expected to be properly attired.

A. Prohibited Conduct

No person, either alone or with others will (This list is intended to be non-exhaustive as these are some examples of unacceptable behavior):

1. Injure any person or threaten to do so

2. Damage, destroy, or remove District property or the personal property of any one lawfully on school property.

3. Disrupt the orderly conduct of classes, school programs, or other school activities.

4. Distribute or wear materials, on school property or at school functions, which are obscene, libelous, advocate illegal action, obstruct the rights of others, or are disruptive to the educational process.

5. Intimidate, threaten, harass, bully, or discriminate against any person on the basis of a person's actual or perceived race, age, color, weight, national origin, ethnic group, religion, religious practices, creed, disability, socio-economic status, sexual orientation, gender, sex or any other legally protected category.

6. Enter any portion of school property without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this Code applies.

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

9. Possess, consume, sell, distribute, share, or exchange alcoholic beverages, controlled substances, or illegal drugs, or be under the influence of any of these substances, on school property or at a school function.

10. Possess or use firearms or weapons on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District.

11. Loiter on or about school property.

12. Gamble on school property or at school functions.

13. Refuse to timely comply with any reasonable request of identifiable District officials performing their duties.

14. Incite others to commit any of the acts prohibited by this Code.

15. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at school functions.

16. Use language or gestures that are profane, lewd, vulgar, or abusive.

17. Smoke or use other tobacco or nicotine-containing products, except nicotine-cessation products, on school property or at school functions.

18. Violate the Acceptable Use of Technology procedures established by the District.

B. Consequences

Persons who violate this Code will be subject to the following consequences:

1. Visitors — their authorization, if any, to remain on school property or at the school function will be suspended, and they will be directed to leave the premises. If they refuse to leave, they will be removed by local law enforcement authorities. The length of the suspension will be determined by administration after investigation of the violation and the violator will receive written notice of the District's determination.

2. Students — they will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements and the terms of this Code (*see* Section VIII).

3. Tenured faculty members — they will be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

4. Classified Civil Service staff members– They will be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights they may have.

5. Staff members other than those described in subdivisions 3 and 4, above- they will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Principal will be responsible for enforcing the conduct required by this Code.

When the Principal sees an individual engaged in prohibited conduct, which is his/her judgment does not pose any immediate threat of injury to persons or property, the Principal or his/her designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal will have the individual removed from school property or the school

function. If necessary, local law enforcement authorities will be contacted to assist in removing the individual. The District will initiate disciplinary action against any student or staff member, as appropriate, consistent with Section B above. In addition, the District reserves its right to pursue or participate in a civil or criminal legal action against any person violating the Code.

XIV. Dissemination and Review

A. Dissemination of the Code of Conduct

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

1. Providing copies of a summary of this Code to all students and discussing the Code at a general assembly held at the beginning of each school year.

2. Making copies of this Code available for review by students, parents, and other community members.

3. Mailing a summary of this Code of Conduct within plain language to all parents of D District students before the beginning of the school year and making this summary available later upon request.

4. Providing all current teachers and other staff members with a copy of this Code and a copy of any amendments to this Code as soon as practicable after adoption.

5. Providing all new employees with a copy of this Code of Conduct when they are first hired.

6. Posting the Code of Conduct on the District website, opschools.org for access by parents, students, and community members.

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.

The Board may appoint an advisory committee to assist in reviewing the Code and the District response to Code of Conduct violations. The committee will consist of representatives of student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

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

The adoption of this Code of Conduct will not be construed as modifying or amending existing Collective Negotiation Agreements between the District and its employees.

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