

**I. Introduction**

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

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function. School functions include school-sponsored social or academic events, performances, trips, and both "home" and "away" athletic events.

This code also applies to conduct which occurs on other than school property when such conduct can be demonstrated to negatively affect the educational process or foreseeably endanger the health, safety, or welfare of the students, staff and faculty.

This code includes the consequences of inappropriate communication which may include but is not limited to:

- a. electronic communication (texting, e-mailing and social networking);
- b. expressive behavior and / or gestures; and
- c. oral and written communication.

The Board acknowledges the New York State Dignity Act, effective July 2012, and amended July 2013, which states that no student shall be subjected to harassment or bullying, including cyberbullying, by employees or students on school property or at a school sponsored function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex by school employees or students on school property or at a school sponsored function. Harassment, bullying and/or discrimination may include a single severe incident or multiple incidents that are pervasive in nature, and that creates a hostile environment. The following assistant principals are designated as the Dignity Act Coordinator for each respective building:

- Kristen Sautner - BHHS
- Angelo Ancona - HCC
- David Mack - Wampus
- GenineMarie DiFalco - Coman Hill

## II. Definitions

For purposes of this code, the following definitions apply.

“Administrator” means Deputy and Assistant Superintendents, Principals, Assistant Principals, District Directors, and Chairpersons.

“Cyberbullying” is harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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.

“Discrimination” is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

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

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; (b) reasonably causes or would be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety; or (c) occurs on school property, at a school function or 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, 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

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

“Material Incident” of harassment, bullying and/or discrimination means a single incident or multiple incidents that are pervasive in nature where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by

verbal threats, intimidation or abuse, that (a) has or would have the effect of unreasonably and substantially interfering with the student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. In addition, such term shall include a verified incident or series of related incidents of harassment and/or bullying that occur off school property, meets the definition of harassment within the policy, and is the subject of written or oral complaint to the superintendent, principal or their designee or other school employee.

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law S142.

"Staff" includes teachers, administrators, guidance counselors, psychologists, library-media specialists, nurses, social workers, custodians, maintenance, teacher-aides, school monitors, security personnel, clerical staff, food services, transportation personnel, and coaches.

"Violent student" means a student who:

1. Commits an act of violence upon a school employee, or attempts to do so;
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so;
3. Possesses, while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon, or what appears to be a weapon, or threatens to harm or injure another individual;
6. Knowingly and intentionally damages or destroys the personal property of any school employee, student or person lawfully on school property or at a school function; and
7. Knowingly and intentionally damages or destroys school District property.

"Weapon" means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, pocket knife with a blade greater than 2-1/2 inches, gravity knife, brass knuckles, sling shot, metal knuckles knife, box cutter, can 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.

### III. Student Rights and Responsibilities

#### A. Student Rights:

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, gender identification or sexual orientation or disability;
2. Present their versions of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty;
3. Protection from retaliation is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination; and
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### B. Student Responsibilities:

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property;
2. Show respect for others by refraining from any acts of harassment, bullying or discrimination;
3. Be familiar with and abide by the District Code of Conduct and all other District policies, rules, regulations and school procedures dealing with student conduct;
4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn;
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest possible level of achievement;
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner;
7. Work to develop mechanisms to control their anger;
8. Ask questions when they do not understand;
9. Seek help in solving problems that might lead to disciplinary action;
10. Dress appropriately for school and school functions;
11. Accept responsibility for their actions;
12. 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;
13. Report threats of violence or harm to self or others; and
14. Refrain from retaliation against any individual who reports or assists in the investigation of harassment, bullying and/or discrimination.

**IV. Essential Partners**

**A. Parents:**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community;
2. Send their children to school ready to participate and learn;
3. Ensure their children attend school regularly and on time;
4. Ensure absences are excused;
5. Insist their children be dressed and groomed in a manner consistent with the student dress code;
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
7. Know school rules and help their children understand them;
8. Convey to their children a supportive attitude toward education and the District;
9. Build good relationships with teachers, other parents and their children's friends;
10. Help their children deal effectively with peer pressure;
11. Conduct themselves as role models for their children when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship;
12. Inform school officials of changes in the home situation that may affect student conduct or performance;
13. Provide a place for study and ensure homework assignments are completed;
14. Become familiar with and support the implementation of the District's Code of Conduct;
15. Be objective and supportive of the school's decision when rules and consequences affect their child(ren);
16. Accept primary responsibility for ensuring their child(ren)'s well being, behavior and learning, and weigh any recommendations from the school in that regard;
17. Report threats or suspicions of student violence or self destructive behavior to the administration;
18. Encourage respect for school property and the property of others;
19. Encourage and demonstrate respect for school personnel and all individuals;
20. Schedule all medical appointments and other appointments after school hours whenever possible;
21. Make all arrangements for after school activities before their child(ren) leave(s) for school;
22. Engage in respectful dialogue with faculty and staff;
23. Be aware and counsel children on appropriate use of texting and social media sites; and
24. Be familiar with District policies.

**B. Staff:**

All District staff is expected to:

1. Maintain a climate of mutual respect and dignity, in order to strengthen students' self-concept and promote confidence to learn;
2. Know school policies and rules, and enforce them in a fair and consistent manner;
3. Report threats of student violence or self destructive behavior to administration;
4. Act as role model for students by practicing courtesy, promptness, and professionalism in dealing with students, colleagues and parents;
5. Communicate regularly with students, parents and other staff concerning student welfare;
6. Treat other employees, students and parents with respect and dignity in both physical and verbal behavior;
7. Uphold the Code of Conduct and all District policies;
8. Support each other in upholding the Code of Conduct;
9. Apply the appropriate consequences for infractions of the Code of Conduct as defined under Section VIII A;
10. Monitor behavior in classrooms, halls, and meeting areas;
11. Report to a school building administrator incidents of behavior of students, staff or parents who do not maintain this Code of Conduct; and
12. Maintain confidentiality.

**C. Administrators:**

All Administrators are expected to:

1. Work to create a safe, orderly and stimulating school environment;
2. Ensure that students, staff, and parents have the opportunity to communicate regularly with the administrators and approach the administrators for redress of grievances;
3. Support the development of and student participation in appropriate extracurricular activities;
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
5. Evaluate on a regular basis the effectiveness and appropriateness of the Code of Conduct and school safety plans; and
6. Maintain confidentiality.

**D. Superintendent:**

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment;
2. Review with District administrators the policies of the Board of Education and State and federal laws relating to school safety;
3. Inform the Board about educational trends relating to student discipline;
4. Work to create instructional programs that promote school safety and student health and are sensitive to student and teacher needs; and

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

**E. Board of Education:**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions;
2. As presented by the superintendent and/or designee, review and if necessary modify the District's Code of Conduct. This review evaluates the code's effectiveness and the fairness and consistency of its implementation; and
3. Lead by example by conducting Board meetings in a professional, respectful, courteous 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 other District personnel should exemplify and reinforce acceptable dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed;
3. Not include clothing and other articles which are distracting or revealing. These might include, but are not limited to, clothing that is extremely tight or form fitting, clothing that does not cover the midriff, clothing that is ripped, see-through or partially transparent and clothing that contains inappropriate sayings or graphics. Specific items that are not acceptable in a school setting include short shorts, half or three-quarter length T-shirts, mesh shirts, thin strapped shirts, and gang-related articles;
4. Not include the wearing of hats in school buildings except for a medical or religious purpose, or as modified by building administrators;
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability; and
6. Not promote and/or endorse the use of alcohol, tobacco, controlled substances or illegal drugs, and/or encourage other illegal or violent activities.

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

## **VI. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner consistent with the Code of Conduct and 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 the students' abilities to grow in self-discipline.

The Board 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 do 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:

### **A. Engage in conduct that is disorderly or encourage disorderly behavior. Examples of disorderly conduct include, but are not limited to:**

1. Running or inappropriate talking or loitering in hallways;
2. Making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar or abusive;
4. Dangerous physical interaction;
5. Gambling and inappropriate card playing;
6. Obstructing vehicular or pedestrian traffic;
7. Engaging in any willful act which disrupts the normal operation of the school community;

8. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission. Students are permitted in the school or school property only when they are authorized by school personnel; and
9. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web-sites; or any other violation of the District's Acceptable Use Policy.

**B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
2. Lateness for school or class without legitimate excuse; and
3. Leaving campus, class, or assigned location without permission.
4. Skipping detention.

**C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel;
2. Using electronic devices in the school that disrupt the orderly conduct of school educational programs or activities (see Policy 5695).
3. Engaging in inappropriate behavior or verbal expression;
4. Sending or receiving text messages or accessing unauthorized web sites in classrooms; and
5. Using personal or District electronic devices to record, transmit, or post unauthorized photographic images or video of a person or persons on campus, or during off-campus school activities.

**D. 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 (such as hitting, kicking, biting, punching, restraining or scratching) upon a student, staff member or any other person lawfully on school property;
2. Possessing, displaying, using or threatening to use a weapon or what appears to be a weapon. Objects such as screwdrivers, nail files and the like will be treated as weapons if they have been modified for use as weapons or if they are displayed or used as weapons. 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;
3. Sexual assault or other forcible and/or unwelcome sexual contact;
4. Threatening to harm any individual or school or personal property;

5. Intentionally damaging or destroying, or attempting to damage or destroy, the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, or infiltrating the school computer network; and
6. Intentionally damaging or destroying, or attempting to damage or destroy, school District property, including but not limited to vandalism and graffiti.

**E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:**

1. Lying to school District personnel;
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
3. Defamation, which includes making false statements, revealing confidential information, or making representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner;
5. Harassment or bullying, including cyberbullying of any student, employee or parent (as defined in this Code of Conduct under Section II, Definitions);
6. Hazing, which includes any intentional or reckless act directed against another, or action resulting in humiliation of another, for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team;
7. Intimidation, whether physical, oral, written or electronic, including, without limitation: (a) threatening to assault, injure or harm another person; (b) threatening to damage, destroy or misappropriate public or private property without authorization; (c) abusing any person through the use of "fighting words," profanity, or terms of abuse based upon race, ethnicity, religion, national origin, gender identification, gender orientation or disability; and (d) words or conduct which, by their nature, create a reasonable possibility of leading to violence or disruption of school activities;
8. Selling, distributing, using or possessing obscene material;
9. Violating the District's technology Acceptable Use Policy (AUP);
10. Using vulgar or abusive language, cursing or swearing;
11. Smoking or using tobacco products, including cigarettes, cigars, pipes and chewing or smokeless tobacco;
12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" 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." This offense includes the possession, sale, distribution and exchange, and the offer to sell, distribute or exchange, substances believed or represented by the person doing so to be a drug or controlled substance, whether or not such is actually the case;
13. Inappropriately using, distributing or sharing prescription and over-the-counter drugs. These include, but are not limited to, mood altering substances;

14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
15. Initiating a report warning of fire or other emergency without valid cause, misuse of 911, discharging a fire extinguisher, or pulling a fire alarm; and
16. Dangerous or irresponsible driving of a motor vehicle;

**F. Engage in misconduct while on a school bus.**

The bus is an extension of the classroom. Students must comply with all directives issued by the bus driver or other persons in authority. Students are required to conduct themselves on the bus in a manner consistent with established standards for school behavior. Students shall behave appropriately while riding on District or contracted buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Excessive noise, inappropriate moving, pushing, shoving, throwing, forms of harassment or intimidation, and fighting will not be tolerated.

**G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:**

Plagiarism, cheating, copying, forgery, altering records, and assisting another student in any of the above actions.

**VII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor or the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol, tobacco, an illegal or controlled substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner, according to the District policy and protocol. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to the appropriate authority, who shall in turn impose an appropriate disciplinary sanction.

Any weapon, alcohol, tobacco, illegal or controlled 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 long-term suspension and referral for prosecution.

The building principal or his/her designee will notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as reasonably practical.

**VIII. Disciplinary Procedures, Penalties, and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to impose 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. As a general rule, discipline will be progressive when deemed appropriate by the administration. In determining the appropriate disciplinary action, school District 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 prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents, teachers and/or others, as appropriate; and
6. 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.

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 rights of the student as an individual with a disability. A student identified as having a disability, shall not be disciplined for behavior directly related to his/her disability.

[See Section X - *Discipline of Students with Disabilities*]

**A. Penalties**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process. [See Section X - *Discipline of Students with Disabilities*]

1. Oral warning - any member of the District staff;
2. Documented written or oral notification to parent - teachers, guidance counselors, psychologists, library-media specialists, nurses, social workers, coaches, administrators, superintendent;
3. Written warning to student and parent from appropriate administrator or designee - District staff, administrators, superintendent;
4. Detention - teachers, principal, assistant principal, superintendent;

5. Suspension from specific privileges:
  - a. Suspension from transportation - director of transportation, principal, assistant principal, superintendent;
  - b. Suspension from athletic participation - coaches, principal, assistant principal, athletic director, superintendent;
  - c. Suspension from social or extracurricular activities - activity director, teacher, advisors principal, assistant principal, superintendent; and
  - d. Suspension of other privileges - principal, assistant principal, teacher, superintendent.
6. In-school suspension - principal, superintendent;
7. Removal from classroom - teachers, principal, assistant principal;
8. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education;
9. Long-term (more than five days) suspension from school - superintendent, Board of Education; and
10. Permanent suspension from school (expulsion), where a student is over compulsory education age and the misconduct is of a severe nature - superintendent, Board of Education.

Disciplinary consequences will be imposed which are proportional to the conduct in question, but factors other than the nature of the offense will be considered in setting penalties. Factors considered in setting penalties include the nature of the conduct, the severity of the conduct, the circumstances in which the conduct took place, the prior disciplinary record(s) of the student(s) involved in the conduct, and (where appropriate) the extent to which a student has taken responsibility for his/her actions. Because student disciplinary proceedings and their outcomes are confidential in nature, the District does not share information with parents as to penalties imposed on students who are not their children.

Penalties will follow procedures stated below, and be consistent with a student's right to a free and appropriate education.

## **B. Procedures**

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. The due process requirements pertaining to an infraction will depend 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 alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Students who are the subject of disciplinary proceedings 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.

*1. Detention*

Teachers, principals, assistant principals, and other administrators may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

*2. Suspension from Transportation*

If a student does not conduct himself/herself properly on a bus, the driver or other authorized person on the bus is expected to report such misconduct to the supervisor of transportation and the building principal or his/her designee. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent, or their designees. In such cases, the student's parent will be responsible for transporting his or her child to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student who is suspended from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

*3. Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges*

A student suspended from athletic participation, extracurricular activities or other privileges 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 suspension to discuss the conduct and the penalty involved.

*4. In-School Suspension*

The Board recognizes that the school District 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." The in-school suspension teacher will be a certified teacher. During in-school suspension, students will not attend their regularly scheduled classes, but rather will receive their education in a separate location within the school.

For purposes of athletics/extra curricular activities, in-school suspension will count as an absence. Therefore, students receiving in-school suspension will not be eligible to participate in extra-curricular activities that same day. 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 and the penalty involved.

#### *5. Teacher Disciplinary Removal of Disruptive Students*

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (a) short-term "time out" in an elementary classroom or in an administrator's office; (b) sending a student into the hallway briefly; (c) sending a student to the principal's office for the remainder of the class time only; or (d) sending a student to a guidance counselor or other District staff member for counseling. Classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

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

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

The teacher must complete a District-established Disciplinary Removal Form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form

with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

As soon as possible, but within one school day after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

The principal may require the teacher who ordered the removal to attend the informal conference.

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

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- a. The charges against the student are not supported by substantial evidence;
- b. The student's removal is otherwise in violation of law, including the District's Code of Conduct; and
- c. The conduct warrants suspension from school pursuant to Education Law 3214, and a suspension will be imposed.

The principal or his/her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal or his/her designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he/she may rescind the removal prior to expiration of the full period of removal.

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.

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

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

#### *6. Suspension from School*

Suspension from school is a penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, health or welfare of others. It is the District's desire that student discipline be progressive so that a student's first violation should merit a lighter penalty than subsequent violations. However, there may be circumstances in which the severity of a particular offense; e.g., gross insubordination or violent behavior, makes it necessary for principals or assistant principals to suspend a student for a first violation. For purposes of athletics/extra curricular activities, out-of-school suspension will count as an absence. Therefore, students receiving out-of-school suspension will not be eligible to participate in extra-curricular activities that same day. Offenses for mandatory suspensions may include the following offenses but are not limited to:

- a. Selling, distributing, using, possessing or being under the influence of alcohol, drugs, other controlled substances or drug paraphernalia. Drugs subject to this policy include all controlled substances regulated by law in New York State, as well as any non-controlled prescription medication for which no valid prescription has been issued for consumption by the possessor of such drug;
- b. Selling, using or possessing dangerous materials or instruments including weapons, fireworks, or incendiary devices;
- c. Creating a hazardous situation which endangers others. This includes, but is not limited to: setting false alarms and reporting bomb scares, fighting, violent behavior or activities which endanger the health and safety of students;
- d. Insubordination that threatens the health and safety of students or others or substantially disrupts the educational process;
- e. Smoking; or
- f. Gambling.

It should be noted that suspension will be imposed when the conduct in question places the health and safety of a student or students at risk and/or serves as a substantial disruption to the educational program, in school, on school property, on school transportation or when engaged in a school-related function on or off campus, or when the conduct occurs on other than school property but has a similar impact on the school students, staff and faculty.

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

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

a. *Short-Term (5 days or less) Suspension from School*

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law § 3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to suspend, at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the conduct with which the student is charged and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parents. At the conference, the parent shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.

b. *Long-Term (more than 5 days) Suspension from School*

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. The notice shall set forth the specific charges against the student, the date, time and place of the hearing, the student's right to be represented by counsel, the right to question witnesses against the student, and the right to present witnesses and other evidence on his/her behalf.

The superintendent shall personally hear and conduct the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all, none, or any part thereof.

See Appendix A for additional procedures.

**C. Minimum Periods of Suspension**

1. *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. However, students with disabilities are subject to provisions set forth in Section X. Before suspension is imposed, 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:

- a. The student's age;
- b. The student's grade in school;
- c. The student's prior disciplinary record;

- d. The superintendent's belief that other forms of discipline may be more effective;
- e. Input from parents, teachers and/or others; and
- f. Other extenuating circumstances.

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

*2. 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. A violent act is one that endangers the health, safety, and well being of other students, school personnel, or any other person lawfully on school property or attending a school function. However, students with disabilities are subject to penalties set forth in Section X. The superintendent or his/her designee 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.

*3. 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 is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. However, students with disabilities are subject to penalties set forth in Section X. 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, or three or more occasions during a trimester. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**D. Referrals**

Counseling

The guidance counselors, psychologists, or social workers shall handle proposed referrals of students to counseling.

**IX. Alternative Instruction**

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

**X. Discipline of Students With Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities have 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 purposes of this section of the Code of Conduct, the following definitions apply:
  - A “suspension” means a suspension pursuant to Education Law S3214.
    - a. A “suspension” means a suspension from regular attendance at school pursuant to Education Law § 3214;
    - b. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by a superintendent of schools or an impartial hearing officer for behavior involving weapons, illegal drugs, controlled substances, the inflicting of serious physical injury, or dangerous situations; and
    - c. An “IAES” means a temporary educational placement for a period of up to 45 calendar days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described on the student’s current individualized educational program (IEP), that will enable the student to meet the goals set out in such IEP. This will include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel authorized below may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The superintendent or a building principal may order the placement of a student with a disability into an IAES, or 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 may order the placement of a student with a disability into an IAES, another setting or suspension for 5 additional school days inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior;
- c. The superintendent may order additional suspensions of not more than 10 total school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a pattern of removals; that is, in effect, “a disciplinary change of placement;” and
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function; the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
  - 1) “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 for causing death or serious bodily injury, except. . . [for] a pocket knife with a blade of less than 2 ½ inches in length;”
  - 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law regulations applicable to this policy;
  - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law;
  - 4) Serious bodily injury means bodily injury which involves:
    - a. a substantial risk of death;
    - b. extreme physical pain;
    - c. protracted and obvious disfigurement; or

- d. protracted loss or impairment of the function of a bodily member, organ, or mental faculty. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

5) Disciplinary Change of Placement

- 1. A “disciplinary change in placement” is defined in Section 201.2(c)(2) of the Regulations of the Commissioner of Education, and means a suspension or removal from a student’s current educational placement that is either:

- a. for more than 10 school days; or
- b. for a period of fewer than 10 school days if the student has been subjected to a series of suspensions or removals that constitute a pattern, because they accumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in a series of removals; and because of such additional factors as the length of each suspension or removal; the total amount of time that the student has been removed; and the proximity of the removals to one another. The Superintendent shall determine on a case by case basis whether a pattern of removals constitutes a disciplinary change of placement. This determination is subject to due process review.

- 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 except under the following circumstances: (a) the CSE has determined that the behavior was not a manifestation of the student’s disability, or (b) the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or infliction of serious bodily harm.

- a. A student who is subject to a disciplinary change in placement will be provided such special education and related services that are determined by the CSE to be necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in their IEP for the duration of the suspension or removal.

**C. Procedures Regarding the Suspension or Removal of Students With Disabilities**

1. The District's Committee on Special Education shall:
  - a. 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 by the District to refer a student for a superintendent's hearing to consider a disciplinary change of placement; and
  - b. Conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever a decision is made by the District to refer a student for a superintendent's hearing to consider a disciplinary change of placement. If a student with a behavioral intervention plan is again suspended, but the subsequent suspension does not constitute a disciplinary change in placement, the CSE, including at least one teacher of the student, shall review the behavioral intervention plan and its implementation and the instructional services being provided to determine if modifications or additional services are necessary.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that the student 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. The superintendent, building principal or other school official imposing suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability; and
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if:
    1. the District had previously conducted an individual evaluation and determined that the student is not a student with a disability;
    2. the parent of the child had not allowed an evaluation; or
    3. the parent had previously refused special education services.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures he/she shall be treated as any other student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in

the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is complete, the student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of intent to seek a disciplinary removal no later than the date on which a decision is made: (1) to change the placement of a student with a disability to an IASE for either misconduct involving weapons, illegal drugs or controlled substances, (2) because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; (3) or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguard notice prescribed by the Commissioners shall accompany the notice that a superintendent's hearing has been scheduled to consider a disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same procedural protections available to all students who are subject to a suspension for five days or less, including the opportunity for an informal conference with the building principal.
5. Superintendent's hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The suspension of a student with disabilities shall be conducted in accordance with the due process procedures generally applicable to suspensions, except that school personnel may not impose such suspension for more than 10 consecutive school 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.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing before an impartial hearing officer shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, 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 when school personnel maintain that it is dangerous for the student to be in his or her current educational placement; or

- b. The parent requests impartial review of 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 students in an IAES.
  1. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in 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.
  2. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- 2) The District will arrange a resolution meeting within seven days of receiving notice of a due process complaint requesting an expedited hearing. An expedited due process hearing shall occur within twenty school days of the date that the complaint is filed and the hearing officer shall make a decision within ten school days after the completion of the hearing. No extension to an expedited impartial hearing timeline can be granted.

**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 such action will not constitute a change of the student's placement; and
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to the extent permitted by law.

**XI. Corporal Punishment and Physical Force**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, 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; or
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

## **XII. Student Searches and Interrogations**

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. To this end, any school employee is authorized to 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 a school employee, nor are school employees required to contact a student's parent before questioning the student.

The Board authorizes administrators to conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school administrator has a good faith reason for the minimally intrusive search. A school administrator may conduct more intrusive searches of students and their belongings (for example, shoes, socks, gloves, hats, overcoats, bags, jackets and personal electronic devices) if the school administrator has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

If a school administrator believes it is necessary to conduct an even more intrusive search of a student, the school administrator may do so only if the search is authorized in advance by the Superintendent or his or her designee. The only exception to this rule requiring advanced authorization is when the school administrator believes there is an emergency situation that could threaten the safety of the student or others. The parent shall be notified after the fact.

Reasonable suspicion may be based upon a school administrator's personal knowledge or upon information received from a reliable informant. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Individuals, other than District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety or potential violation of the Code of Conduct.

Before searching a student or the student's belongings, the school administrator should ask the student to acknowledge possession of the object which may be a violation of the Code of

Conduct, or ask the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted by more than one District employee in the privacy of administrative offices and students will be present when their possessions are being searched.

**A. Student Lockers, Desks, Computer Files, and other School Storage Places, and Student Vehicles on School Property**

Limitations imposed by this Code of Conduct on searches of students and their belongings do not apply to student lockers, desks, computer files, other school storage places, and vehicles used by students on school property. Students have no reasonable expectation of privacy with respect to these places. This means that student lockers, desks, computers, and other school storage places, and vehicles used by students on school property may be subject to search at any time by school administrators, without prior notice to students and without their consent.

**B. Documentation of Searches**

The school administrator conducting the search shall be responsible for promptly documenting information about each search.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any item taken from a student that is illegal, dangerous, or was used in violation of the District Code of Conduct. 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) are turned over to the police or returned following disciplinary action. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

**C. 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:

1. a search or arrest warrant;
2. reason to believe a crime has been committed on school property or at a school function; or
3. been invited by school officials.

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. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted on school grounds. 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.

**D. Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will provide data and assistance to local Child Protective Services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Principal or his or her designee. Child Protective Service workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or his or her designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or 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 consent.

The Superintendent will be notified by the Principal or his or her designee every time Child Protective Services is involved.

**XIII. Visitors to the Schools**

Since schools are a place of work and learning, certain limits must be set for visits to the schools. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor;
2. Visitors must have an approved reason to be in the school;
3. All visitors to the school must report to the designated entrance location upon arrival at the school. There they will be required to present photo identification to register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the designated location before leaving;
4. At the principal's discretion, visitors attending school functions, such as parent-teacher organization meetings or public gatherings, may not be required to register;
5. Parents or visiting professionals who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the building principal, so that class disruption is kept to a minimum;
6. Teachers may not take class time to discuss individual matters with visitors;
7. Any unauthorized person on school property will be reported immediately to the principal or his or her designee. Unauthorized persons shall be asked to leave. The police may be called if the situation warrants; and
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

#### **XIV. Public Conduct on School Property**

The 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 school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers, District personnel, and visitors.

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 shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the event.

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;

2. intentionally damage or destroy District property or the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property;
3. intentionally litter on school property;
4. disrupt the orderly conduct of classes, school programs or other school activities;
5. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, infringe upon the rights of others, or are disruptive to the school program;
6. intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
7. enter any portion of the school premises without authorization or remain in any building or facility after it is closed;
8. obstruct the free movement of any person in any place to which this code applies;
9. violate the traffic laws, parking regulations or other restrictions on vehicles;
10. possess, consume, sell, distribute or exchange alcoholic beverages, controlled or illegal substances, or be under the influence of these substances on school property or at a school function;
11. possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District;
12. loiter on or about school property;
13. gamble on school property or at school functions;
14. refuse to comply with any reasonable order of identifiable school District officials or staff performing their duties;
15. willfully 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 a school function;
16. interfere with the lawful and authorized activity of others;
17. distribute or post any written material, pamphlets or posters without the prior written approval of the Superintendent or a designee;
18. smoke on school property; and
19. bring pets or other animals on school property, except with a documented service animal.

## **B. Penalties**

Persons who violate this code shall be subject to the following penalties:

1. Visitors' authorization, if any, to remain on school grounds or at the school function shall be terminated and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection;
2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements of this Code of Conduct;

3. Tenured faculty members shall be subject to disciplinary action and/or ejected as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have;
4. Staff members in the permanent classified service of the civil service are entitled to the protection of Civil Service Law 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have;
5. Staff members, other than those described in subdivisions 4 and 5, shall be subject to warning, reprimand, suspension, ejection or dismissal as the facts may warrant in accordance with any legal rights they may have; and
6. Disciplinary action against staff members shall also be subject to any applicable requirements of collective bargaining agreements covering such staff members.

**C. Enforcement**

The superintendent or building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the superintendent or building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or 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 persons or property are in danger, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, as per 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.

**XV. Dissemination and Review**

**A. Dissemination of Code of Conduct**

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

1. Providing access to the Byram Hills School District Code of Conduct to all community members, parents, students, faculty, and staff through the District web site;

2. Notifying parents, faculty, and staff annually of the link to the Code of Conduct on the District web site;
3. Providing printed copies of the Code of Conduct in the District and School Offices to any community members, parents, students, faculty, and staff for review;
4. Providing a printed copy of the Code of Conduct to any community members, parents, students, faculty, and staff upon request;
5. Providing all new employees a copy of the link to the Code of Conduct when they are first hired; and
6. Providing all current faculty, staff, parents, and students access to any amendments to the Code of Conduct via the District web site as soon as practicable after adoption.

**B. Review of Code of Conduct**

The Board of Education will review this Code of Conduct on an annual basis and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the code and the District's response to the Code of Conduct violations. The committee will be made up 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 Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption by the Board of Education.

## Appendix A

### Procedures for Long Term Suspension

**Procedures for long Term Suspension from school will be provided to a student and family when a Superintendent or building principal determines that a suspension for more than 5 days may be warranted**

While a student's prior disciplinary record will not be considered as evidence of guilt, it may be considered after a finding of guilt has been made in order to determine an appropriate penalty. A student's parent or person in parental relation (or the student, if over 18) has the right to review the prior disciplinary record prior to the hearing, and to offer any clarifying information. Requests to review student records should be made, as promptly as possible, to the student's building principal.

The District may be represented at a Superintendent's hearing by its attorneys, who will present the District's case against the student.

At the hearing, the District's representative will have an opportunity to make an opening statement explaining the conduct and the proof, after which the student, parent, person in parental relation, or other representative will have the opportunity to make an opening statement. After opening statements, if any, the District will present its case, which must be proven by competent and substantial evidence. The formal rules of evidence may be referred to as a guide, but will not control. All District witnesses will be subject to cross-examination by the student, parent, person in parental relation, or other representative. Following the presentation of the District's case, the student may, at his/her option, present witnesses or other evidence. The student charged is not required to testify at the hearing, and no adverse inference shall be drawn from the student's decision not to testify. At the close of the evidence, the parties may make closing statements. If the hearing officer makes a decision of guilt, then he/she may review the student's prior disciplinary record. Both parties will be given an opportunity to submit proposed findings and conclusions for the hearing officer's consideration.

The hearing officer shall make an advisory report to the Superintendent containing findings of fact and recommendations as to the appropriate measure of discipline. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. The student and his/her parents shall be promptly notified in writing of the Superintendent's decision as to innocence and guilt and as to punishment.

The written decision shall also contain notification of the student's right to appeal the decision to the Board of Education, which will make its decision based solely upon the hearing record. New evidence will not be considered by the Board; however, the Board may, in its discretion, consider modification of a penalty upon a showing that a student has participated in counseling, anger management training, dispute resolution training, or other assistance, as may be appropriate.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole, in part, or not at all the decision of the superintendent.

**Cross Ref:**

- 4526 Technology and Network Acceptable Use and Personal Privacy
- 5030 Student Complaints

**Adoption Date: July 2, 2007**

**Amended date: February 3, 2009**

**Revised and Adopted: May 29, 2012**

**Revised and Adopted: August 27, 2013**

**Revised and Adopted: January 28, 2014**

**Amended Date: September 30, 2014 (pg. 1 Dignity Act Coordinator Name Change)**

**Revised and Adopted: 6-16-15**

**Amended Date: 8-2-16 (pg. 1 Dignity Act Coordinator Name Change)**

**Revised and Adopted: 6-19-17**

**Amended Date: 7-6-18 (pg. 1 Dignity Act Coordinator Name Changes)**

**Amended Date: 7-1-19 (pg. 1 Dignity Act Coordinator Name Change & Cross Reference added: 5030 - Student Complaints)**