



# **Code of Conduct 2013-2014**

**The New Paltz Central School District  
Code of Conduct  
Approved by the Board of Education June 5, 2013**

## I. INTRODUCTION

The New Paltz Board of Education hopes that our students will become passionate learners who are empowered to achieve their dreams and act as good citizens of the world.

To achieve that goal, the Board strives to provide safe schools for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and where all members of the school community behave with personal responsibility and mutual respect. The Board recognizes that to maintain such an environment, we must all live within certain boundaries and that inappropriate action by one person can infringe upon the rights of another. When conflicts arise, we are committed to nonviolent resolutions that encourage personal growth, responsibility and that treat each individual with respect and dignity.

This Code of Conduct describes the behavior that the Board expects from all members of the school community, identifies consequences if those standards are not met, and establishes procedures to ensure that discipline, when necessary, is prompt, fair and effective.

**Attachment A** defines the terms used in this Code.

## II. STUDENT RIGHTS AND RESPONSIBILITIES

<b>Students have a right to:</b>	<b>Students have the responsibility to:</b>
A free education that will prepare them for active citizenship in a democracy.	Attend classes, observe school rules and work for satisfactory achievement.
A safe and secure environment that promotes learning.	Refrain from violence. Notify an adult of the presence of drugs, alcohol, weapons, harassment and other violent acts or threats of violence.
Speak and be heard.	Listen to others.
Take part in any school activity on an equal basis.	Participate and support others in school events.
Be treated with courtesy and respect.	Be courteous and respectful.
Freedom from bullying, harassment and other abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.	Speak up about and refrain from bullying, harassment and other abuse based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
Academic and emotional support.	Ask for help when it is needed, and offer help to peers when needed
Express themselves through their choices in clothing.	Adhere to the school dress code.
Communicate thoughts and beliefs that do not interfere with the rights of others or school operations.	Show consideration for people whose beliefs differ from their own.
Assemble peacefully.	Get permission from appropriate school personnel before assembling.
Learn strategies that develop cooperation, tolerance, and conflict resolution.	Use cooperative solutions.
Be informed of school policies and rules.	Abide by the Code of Conduct.

## III. EXPECTED BEHAVIOR

All members of the school community should respect the rights and welfare of others, act ethically, and care for school facilities and equipment. The Board expects respectful behavior and civil conduct on all school property, including

buses, and at all school functions, whether on or off school property.

The Board will not tolerate:

- Possession or use of weapons or illegal materials.
- Possession, distribution, use, or being under the influence of alcohol or illegal substances (including synthetic drugs).
- Behaviors that infringe on the physical, mental or emotional well-being of others, or that disrupt the safe and supportive educational environment.
- Intimidation, harassment or discrimination on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, or for any other reason.
- Academic misconduct (e.g., plagiarism, cheating, copying, altering records, assisting another student in any of these actions).
- Damage to school property, including busses, or the property of others.
- The distribution of materials that are obscene, advocate illegal action or appear libelous.
- Entering or remaining on school property without authorization.
- Violation of any federal, state or local law, or Board policy.

**Attachment B** describes the specific expectations for staff, parents and visitors. **Attachment C** describes the specific expectations for students.

#### **IV. DIGNITY FOR ALL STUDENTS ACT**

The Board of Education recognizes that a learning environment that is safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting, hazing and intimidation. The District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

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

#### **V. DRESS CODE**

All students and staff should show healthy and respectful attention to their personal cleanliness and clothing. Adults should model and reinforce acceptable dress for students. **Attachment E** lists the specific dress code rules.

#### **VI. REPORTING CODE VIOLATIONS**

Each individual in the school community has the responsibility to report code violations that he or she witnesses. Violations involving weapons, alcohol or illegal substances (including synthetic drugs such as synthetic cannabinoids) must be reported immediately. Students should report violations to the building principal or a guidance counselor, social worker, teacher or any adult they trust. Adults should report violations in accordance with district policy. When code violations break not only school policy but the law, the school principal or designee must promptly notify the appropriate law enforcement agency.

#### **VII. DISCIPLINE**

The Board believes that the best discipline is self-imposed. Adults should model self-discipline and help students accept responsibility for their actions.

Disciplinary action should be used only when necessary and in accordance with applicable contracts, laws, regulations and policies. Such actions should not just punish, but encourage personal growth and individual responsibility. Staff members authorized to impose discipline should act in a prompt, fair and problem-solving manner.

School personnel administering student discipline should consider:

- The student's age, learning style, and prior disciplinary record.
- The nature and circumstances of the offense.
- The effectiveness of any prior discipline.
- Information from parents, teachers or others, as appropriate.
- Other extenuating circumstances.

**Consequences.** For students, these can range from an oral warning to permanent school suspension. Disciplinary action against staff will conform to law and applicable contracts. Visitors will be asked to leave the building. **Attachment D** more fully describes the possible consequences.

**Procedures.** All disciplinary action should adhere to District contracts, regulations and policies. Students accused of misconduct should be told by authorized personnel of the nature of the accusation. If necessary, authorized school staff should investigate the facts surrounding the alleged misconduct. Students will have an opportunity to tell their version of the events. Students subject to penalties other than an oral or written warning or a written notification to their parents are entitled to additional rights before the penalty is imposed. **Attachment F** more fully describes disciplinary procedures.

**Minimum suspensions.** A student who brings a weapon to school (including but not limited to a weapon upon the Gun Free Schools Act) will be suspended for at least one calendar year, unless the Superintendent modifies the penalty based upon the student's age, grades, prior disciplinary record, the belief that other forms of discipline may be more effective, other relevant information from parent(s), teacher(s) or others, or other extenuating circumstances. A student who commits any other violent act or who repeatedly and substantially disrupts the educational process could be suspended for at least five days, unless the Superintendent modifies the penalty. **Attachment G** more fully describes minimum suspensions.

**Alternative instruction for disciplined students.** The district will provide immediate, alternative instruction to all students removed from classes by teachers or suspended from school.

**Referrals.** Students may be referred for counseling, a Person in Need of Supervision petition through Family Court, or juvenile delinquency proceedings. **Attachment H** describes when students may be referred to such counseling or proceedings.

**Disciplining students with disabilities.** Students with known or suspected disabilities who are determined to have committed an act of misconduct will be referred to the District's Committee on Special Education (CSE). A student will not be punished if the CSE determines that the conduct stems from the student's disability. But when the CSE determines that discipline is warranted, it will conform to the federal and state laws and regulations governing the discipline of students with disabilities. Such students will not receive harsher punishments than students who are not disabled. **Attachment I** describes the specific policies for disciplining students with disabilities.

**Use of physical force.** Corporal, or physical punishment, is strictly forbidden. However, reasonable physical force may be used to:

- Protect yourself or others from physical injury.
- Protect school or personal property.
- Restrain or remove a disruptive or violent student who refuses to refrain from disruptive or violent acts.

The district will file reports on incidents of the use of physical force with the Commissioner of Education in accordance with Commissioner's Regulations. The Building Principal or designee is responsible for enforcing these rules, as described in **Attachment J**.

## VIII. STUDENT SEARCHES AND INTERROGATIONS

**Searches.** Police, as well as the superintendent, building principals and assistant principals, may search students and their possessions for illegal matter or matter that threatens the health, safety, welfare or morals of fellow students, if there is reasonable individualized suspicion.

School computers, desks, lockers and storage spaces are school property and may be opened and inspected by school officials from time to time without prior notice or student consent, but mindful of the student's rights and the nature of the school as an educational institution.

**Questioning.** School officials may question students about possible violations of school rules. The student's parents may be contacted depending upon the circumstances.

The police may enter the schools if a crime has been committed on school property, they have an arrest or search warrant, or if they have been invited by school officials. Prior to such questioning, police must give students their "Miranda rights" and school administrators or police must diligently try to notify the student's parents and give them the opportunity to be present.

Child Protective Services (CPS) may interview students on school property without notification to the parents regarding allegations of suspected child abuse, maltreatment or neglect (including educational neglect).

**Attachment K** more fully describes the rules governing student searches and questioning.

## IX. SCHOOL VISITORS

The Board encourages parents and other community members to visit our schools to observe the work of students, teachers and other staff. But all visitors must first report to the office and obtain authorization for being on school premises. The building principal or his or her designee is responsible for all persons in the building and on the grounds. **Attachment L** more fully describes the policy governing school visitors.

## X. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful and safe environment that is conducive to learning. All persons on school property or attending a school function, whether on or off of school property, shall conduct themselves in a respectful and orderly manner.

No person, either alone or with others, while on school property or attending a school function, shall:

- Intentionally injure or threaten to injure any person.
- Intentionally damage or destroy school property or the property of others, or remove or use such property without authorization.
- Disrupt the orderly conduct of classes, school programs and activities.
- Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation or disability **or any other discriminatory reason.**
- Harass, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements (verbal, by electronic or other means), directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
- Intimidate, which includes engaging in actions or statements that put an individual in fear of bodily harm, including threats.
- Enter any school property without authorization or remain in any school premises after it is closed.
- Obstruct the free movement of any person.

- Violate traffic laws, parking regulations or other vehicle restrictions.
- Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco, or controlled substances (including synthetic drugs such as synthetic cannabinoids), or be under the influence of the above.
- Possess or use weapons (unless specifically authorized by the district).
- Loiter, gamble, litter or spit.
- Refuse to comply with reasonable directives of school officials while they are performing their duty.
- Willfully incite others to commit any acts prohibited by the Code of Conduct.
- Violate any federal or state law, local ordinance or Board policy.

## **XI. DISSEMINATION AND REVIEW OF CODE**

The school district will educate the community about this Code of Conduct by:

- Providing a summary of the code to all students and parents at the beginning of each school year, including a form encouraging comments on how to improve or change the code.
- Providing copies of the code, including any amendments, to all school personnel as soon as practical after adoption. (DO YOU PROVIDE COPIES TO ALL OR JUST ACCESS ON THE WEBSITE?)
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- Providing new employees with a copy of the code when they are hired.
- Providing copies of the code to any student, parent or community member who asks for one.

Copies of the complete code are available on the District website. **Attachment M** more fully describes the district's plan for educating the community about the Code of Conduct.

## ATTACHMENT A: DEFINITIONS

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

- **Bullying:** A form of harassment (see below) that consists of persistent or severe coercion, cruelty, insults, intimidation, or threats.
- **Cheating:** Using the ideas, works, creations or words of another in completing examinations, projects, reports (and includes Plagiarism, below).
- **Controlled substance:** A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in federal and state law and in regulations applicable to this policy (including synthetic drugs such as synthetic cannabinoids).
- **Disruptive person:** Anyone who substantially disrupts the educational process or substantially interferes with the teacher's classroom authority.
- **Gender:** Actual or perceived sex and includes a person's gender identity or expression.
  - **Gender Expression:** The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
  - **Gender Identity:** One's self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- **Harassment:** Any intentional written, verbal electronic, digital or other communication or physical act including, but not limited to, one shown to be motivated by actual or perceived age, color, creed, disability, marital status, national origin, race, ethnic group, religion, religious practice, sex, gender, sexual orientation, veteran status or other distinguishing characteristic when the conduct or communication:
  - Interferes with a student's academic performance or participation in school-sponsored activities or an employee's work.
  - Creates an intimidating, hostile or offensive educational or work environment.
  - Harms or damages the property of a student or employee.
  - Places a student or employee in reasonable fear of physical harm or damage to him/herself and/or his or her property.
  - Substantially disrupts the orderly operation of the school.
- **Hazing:** A form of harassment that occurs while initiating a student into a school organization or activity, which involves committing an act against the student or coercing the student into committing an act against someone else that risks emotional, physical or psychological harm to the student or another person. The fact that the victim may consent to the act does not excuse the behavior or lessen the offense.
- **Illegal substances:** These include but are not limited to amphetamines, cocaine, heroin, inhalants, LSD, look-alike drugs, synthetic drugs, marijuana, PCP, steroids, alcohol and any substances commonly referred to as "designer drugs."
- **Parent:** Parent, guardian or person in parental relation to a student.
- **Plagiarism:** The use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, the Internet, world wide web, even with minor alterations.
- **School Property:** The area 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 § 142.
- **School Function:** Any school-sponsored extra-curricular event or activity whether on or off school property.
- **Sexual Orientation:** Actual or perceived heterosexuality, homosexuality or bisexuality.
- **Student:** Any child between the ages of 3 and 21 years of age enrolled in the New Paltz Central School District educational programs
- **Violent person:** Any person, while on school property or at a school function who:
  - Commits an act of violence upon a school employee, another student, or any other person or attempts to do so.
  - Possesses or threatens to use a weapon, or displays what appears to be a weapon.
  - Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

- Knowingly and intentionally damages or destroys school district property.
- **Weapon:** A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act or anything else that can cause physical injury or death when used to cause physical injury or death.
- **Visitor** – Any community member or other individual who comes to our schools, including but not limited to school buildings, school grounds and school events either on or off site.



**ATTACHMENT B:**  
**BOARD EXPECTATIONS FOR STAFF, PARENTS AND VISITORS**

**Parents and guardians** are expected to:

- Recognize that the education is a joint responsibility of parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time and that absences are excused.
- Ensure that their children are dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know the District Code of Conduct and school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the school community.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Provide accurate and updated emergency information.

**All school personnel** are expected to:

- Promote a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen each student's positive self-image.
- Teach common courtesies by precept and example.
- Treat students in an ethical, responsible and nondiscriminatory manner.
- Help students to reach their maximum potential.
- Demonstrate desirable standards of behavior through personal example.
- Report violations of the Code of Conduct to the Building Principal or acting building principal.
- Immediately report and refer violent students to the Principal or Superintendent of Schools.
- Address issues of harassment (including bullying) or any situation that threatens the emotional or physical health or safety of any student, employee or other person lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Maintain confidentiality in accordance with federal and state law.

**Teachers** are also expected to:

- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents:
  - Course objectives and requirements.
  - Marking/grading procedures.
  - Assignment deadlines.
  - Expectations for students.
  - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Read, understand and comply with a student's IEP, §504 Plan and behavior improvement plan.
- Comply with state law and regulations regarding corporal punishment, mandated reporting of suspected child abuse in the domestic setting and in the educational setting.

**Dignity Act (or Bullying Prevention) Coordinators** are also expected to:

- Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;

- Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources;
- Coordinate training in support of the District’s Bullying Prevention and Intervention Policy;
- Be responsible for monitoring and reporting on the effectiveness of the District’s Bullying Prevention and Intervention Policy;

**Building administrators** are also expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- Ensure that students and staff receive training in the Code of Conduct and anti-harassment policies
- Support the development of student participation in appropriate extra-curricular activities.
- Be responsible for communicating expectations and for enforcing the code of conduct, ensuring that all cases are resolved promptly and fairly.
- Evaluate all instructional programs on a regular basis.
- Evaluate student attendance at least annually and make recommendations to the board and superintendent to increase attendance.
- Empower and create success for disenfranchised and disengaged students.

**The superintendent and district administrators** are also expected to:

- Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students.
- Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.
- Work to create instructional programs that maximize student learning and performance by engaging students and staff in meaningful academic exercises.
- Work with district administrators in enforcing the code of conduct, the Dignity for All Students Act, and ensuring that all cases are investigated properly and resolved promptly and fairly.

**Members of the Board of Education** are also expected to:

- 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 *individuals to create an invigorating learning community*.
- Adopt and review at least annually the district code of conduct to evaluate the code’s effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful, courteous manner.

## ATTACHMENT C: PROHIBITED CONDUCT

(Numbers indicate the possible consequences, as defined in attachment D)

### **A. Disorderly or disruptive conduct, such as but not limited to:**

1. Running in hallways. (1)\*
2. Making unreasonable noise. (1,2)
3. Using language or gestures that are abusive, lewd, obscene, or profane. (All)
4. Obstructing vehicular or pedestrian traffic. (1,5)
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. (All)
6. Unless authorized by a district administrator for use as academic technology, responding to pagers or using cell phones, using MP3 players or other personal entertainment devices is prohibited. Misusing computer or electronic devices, including unauthorized use of computers, software, or an internet or intranet account; accessing inappropriate websites, or any other violation of the district's acceptable use policy is prohibited. In addition, communication devices must be silenced and cannot be used at any time during an emergency situation to ensure the safety of all individuals in the school building, unless authorized to do so.(All)
7. Failing to comply with the reasonable directions of teachers, school administrators or other school employees.(All)
8. Trading or selling cards. (4,9,10)
9. Engaging in any willful act that disrupts the normal operation of the school community. (All)

### **B. Insubordinate conduct, such as but not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees. (All)
2. Showing disrespect to district employees. (All)
3. Arriving late, leaving early, or missing school without permission. (4,9)
4. Skipping detention. (9)

### **C. Violent conduct, such as but not limited to:**

1. Committing or attempting to commit an act of violence (such as hitting, biting, kicking, punching, spitting, or scratching) upon a student, any school employee, or any other person lawfully on school property. (11,12,13)
2. Possessing a weapon, unless express written permission is given by the Superintendent or designee. (12,13)
3. Possessing or displaying what appears to be a weapon (11,12)
4. Threatening to use a weapon. (12, 13)
5. Intentionally damaging or destroying school district property or the property of others. (3-13)
6. Conduct that intimidates, promotes or conspires to cause or causes physical or emotional injury to others (All).

### **D. Conduct that endangers the morals, health or welfare of others, such as but not limited to:**

1. Lying to school personnel. (All)
2. Littering or spitting on property. (1-11)
3. Stealing. (6>)
4. Defamation, which includes violating the privacy or making false statements or misrepresentations about an individual or group of individuals that harm the reputation of the person or group by demeaning them. (All)
5. Discrimination, or the negative or offensive treatment of an individual or group based on actual or perceived color, creed, disability status, gender, sex, sexual orientation, weight, race, national origin, ethnic group, religion, religious practice, or other discriminatory classification or using any of the above as a basis for treating another in a negative or offensive manner. (6>)
6. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. (11>)
7. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or retaining (unless for the purpose of reporting/evidence) sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature. (All)

8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. (11-13)
9. Bullying, which consists of inappropriate persistent physical, verbal and/or nonverbal behavior including threats or intimidation of others treating others cruelly, terrorizing, coercing, or habitual put-downs.(11-13)
10. Cyber-bullying, including, but not limited to, the use of instant messaging, email, websites, social networking sites, text messaging or use of any electronic or digital communication when such use infringes upon the general health, safety and welfare of District students and employees. (11-13)
11. Selling, distributing, using or possessing obscene material.(11-13)
12. Using any form of tobacco. (6-All)
13. Possessing, consuming, selling, distributing or exchanging *look- a- like drugs, synthetic drugs, drug paraphernalia*, alcoholic beverages or illegal substances, or being under the influence of either. Possessing, consuming, selling, distributing, exchanging or sharing prescription and nonprescription drugs. (All)
14. Gambling or extortion. (6>)
15. Exposure of the body's private parts. (11>)
16. Making a false alarm about a fire, bomb threat, or other emergency, or inappropriately calling 911 or discharging a fire extinguisher or an automatic external defibrillator. In addition, no communication devices can be used at any time during an emergency situation, to ensure the safety of all individuals in the school building In addition, communication devices must be silenced and cannot be used at any time during an emergency situation to ensure the safety of all individuals in the school building, unless authorized to do so. (AED). (12,13)
17. Reckless or unauthorized operation of a motor vehicle on and around school property. (All)
18. Engaging in or displaying unacceptable physical or sexual contact. (All)

**E . Misconduct on school busses, such as but not limited to:**

1. Any activity or conduct that distracts the bus driver. (All).
2. Any activity or conduct not allowed in school or at school functions. (All)

**F. Academic misconduct, such as but not limited to:**

1. Plagiarism. (14)
2. Cheating. (14)
3. Copying. (14)
4. Altering records. (14)
5. Assisting another student in any of the above actions. (14)
6. Failure to return documents or school property in a timely fashion (14)

**G. Off-campus misconduct:** A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

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

**Examples of off-campus misconduct that endangers students or staff on school ground or that substantially disrupts the educational process, such as but not limited to:**

1. Cyberbullying, or using the telephone, email or another form of electronic, digital or other communication to harass or threaten students or school staff on school property or to substantially interfere with school procedures. (All)
2. Harassment, bullying, or hazing.

Repeat infractions may lead to more severe consequences including, for chronic repeat serious infractions up to and including permanent suspension.

The Administration reserves the right to implement disciplinary action for incidents not specifically identified above.

## ATTACHMENT D: CONSEQUENCES

### **Students**

Students who violate the district's code of conduct are 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. Oral warning: any member of the district staff
2. Written referral: bus drivers, coaches, guidance counselors, hall and lunch monitors, teachers, principals and assistant principals, and the superintendent
3. Written notification to parent, guardian: bus drivers, coaches, guidance counselors, hall and lunch monitors, teachers, principals and assistant principals, and the superintendent
4. Detention: teachers, principals, and the superintendent
5. Suspension from transportation: the director of transportation, principals, and the superintendent
6. Suspension from athletic participation: coaches, principals, athletic directors, and the superintendent
7. Suspension from social or extracurricular activities: activity director, principals, and the superintendent
8. Suspension of other privileges: principals and the superintendent
9. In-school suspension: principals and the superintendent
10. Removal from classroom: teachers
11. Short-term (five days or less) suspension from school: principal and acting principal
12. Long-term (more than five days) suspension from school: the superintendent, or designated hearing officer after a hearing
13. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at school or a school function is determined not to be related to his/her disability.
14. Permanent suspension from school: superintendent or the Board of Education, after a hearing
15. All incidents of academic misconduct could result in a grade of zero and other academic consequences.

### **Staff**

Staff who violate this code will be subject to discipline consistent with board policy and applicable collectively negotiated agreements.

### **Visitors**

Parents, guardians and visitors who violate this code will be asked to leave the premises.

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

**Repeat infractions may lead to more severe consequences including, for chronic repeat serious infractions, up to and including permanent suspension.**

## ATTACHMENT E: DRESS CODE

All members of the school community should dress in appropriate clothing. Dress and grooming should be safe, appropriate and not disrupt or interfere with the educational process at school or at school functions, on or off school property. Each building principal or his or her designee will inform students and parents of the dress code at the beginning of the school year.

Specifically, the following clothing items are unacceptable:

- Clothing, jewelry, bags, backpacks, or accessories that endanger health or safety.
- Extremely brief garments (such as tube, net or halter tops), extremely plunging front or back necklines, see-through garments, or any garment that exposes the body's private parts or undergarments.
- Footwear that is deemed hazardous by the administration, as well as bare or stocking feet.
- Hats or bandanas in school, except for medical or religious reasons.
- Items that are vulgar, obscene, or libelous or denigrate others on account of color, creed, disability, sex, gender, national origin, ethnic group, sexual orientation, race, religion, religious practice, socio-economic background.
- Items that promote or endorse the use of alcohol, tobacco or illegal drugs or encourage other illegal or violent activities.

Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

Students who violate the dress code will be asked to cover or remove the offending item and, if necessary or practical, replace it with an acceptable one. Parents will be notified of any offense and may be asked to bring replacement clothing to school. Any student who refuses to comply may be subject to discipline, up to and including in-school suspension for the day. Students who repeatedly violate the dress code may be subject to further discipline, up to and including out-of-school suspension.

Staff who violate the dress code will be subject to discipline consistent with board policy and contracts. Parents and visitors who violate this code will be asked to leave the premises.

All members of the school community are required to use proper equipment and/or dress for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

## ATTACHMENT F: PROCEDURES

Students who are to receive consequences other than an oral or written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below:

1) **Detention:** Teachers, building administrators, principals and the superintendent may impose after-school detention where removal from the classroom or suspension would be appropriate. Detention will be imposed only after the student's parent has been notified to confirm that there is no parental objection and the student has appropriate transportation home following detention.

2) **Suspension from Transportation<sup>1</sup>:** Bus drivers should inform building principals and the director of transportation about any serious behavior problems. In such circumstances, the principal or transportation director can suspend the student's bus privileges, and the student's parent will be responsible for providing or arranging timely and safe transportation to and from school. If the parent cannot provide such transportation, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214 but 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 from transportation to discuss the conduct and the consequence.

3) **Suspension from athletic participation, extra-curricular activities and other privileges:** A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges (including but not limited to class trip, prom, graduation) 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 *consequence* involved.

4) **In-School Suspension:** The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom. Therefore, 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 room will be under the supervision of a certified teacher.

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 consequence involved.

5) **Teacher removal of disruptive students:** A student's behavior can undermine a teacher's ability to teach and other students' ability to learn. Teachers can usually control behavior by using good classroom management including, in some cases, briefly removing the student from the classroom by, for example, giving the student a "time-out" in the hallway or with a school administrator, social worker or guidance counselor. Such techniques do not constitute disciplinary removals for purposes of this code.

However, when a student substantially disrupts the educational process or interferes with the teacher's classroom authority by persistently refusing to comply with the teacher's instructions or repeatedly violating classroom rules, the teacher may remove the student for longer periods of time.

Secondary students (grades 6 through 12) may be removed for the remainder of the class upon the first event and for two days of class upon the second or third event. **At the fourth or subsequent event of removal, a suspension is required by law.** Elementary students (kindergarten through grade 5) may be removed for a lesson not to exceed 45 minutes per incident for the first three events. For the fourth event **or subsequent event of removal, a suspension is required by law**

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why 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.

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<sup>1</sup> See Section X – Discipline of Students with Disabilities

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

The teacher must complete a district-established disciplinary removal form and meet with the principal or 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 removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify in writing the student's parents or guardians that the student has been removed from the 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 provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice will also be provided by telephone if the school has been provided with a contact phone number.

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

The principal or the principal's designee may overturn the student's classroom removal if he or she determines that:

- 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.
- c. The conduct warrants suspension from school pursuant to Education law §3214 and a suspension will be imposed.

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

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 log (on a district provided form) for all cases of students removed from his or her class. The principal must keep a log on all removals of students from the class.

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

6) **Suspension from School:** Suspension from school may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases the person recommending the suspension should write the referral as soon as possible.

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 (the "suspending authority") proposes to suspend 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 explain the basis for the proposed suspension. The suspending authority must also notify the student's parents in



writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has contact phone number.

The notice shall provide a description of the alleged incident and the charges against the student and inform the parents of their right to hold an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under procedures established by the principal.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. If the parents wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances preventing 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 superintendents' decision, unless they can show extraordinary circumstances preventing them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

**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. At the hearing the student shall have the right to be represented by counsel, question witnesses against him or her, and present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or 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. A tape recording shall be deemed a satisfactory record. If a hearing officer is designated, 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 or any part thereof.

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 or in part or may reject or modify the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner of Education within 30 days of the decision.

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

## ATTACHMENT G: MINIMUM PERIODS OF SUSPENSION

**1. Students who bring a weapon to school:** Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be suspended for at least one calendar year, unless the superintendent modifies the suspension. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

In deciding whether to modify the suspension, the superintendent may consider the following:

- a. The student's age
- b. The student's school grade.
- 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, or others.
- 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, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, will be suspended from school for up to five days, unless the superintendent modifies the suspension. In addition, the student may be subject to a suspension for more than five days after a §3214 hearing is conducted. If the proposed suspension is for just five days, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension is for more than five days, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to long-term suspension. In deciding whether to modify the consequence, 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, other than a student with a disability, who repeatedly and substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for up to five days, unless the superintendent modifies the suspension. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed suspension is for just five days, the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension is for longer than five days, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. In deciding whether to modify the suspension, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## ATTACHMENT H: REFERRALS

**1. Counseling:** The Social Worker, Guidance Counselor, Nurse, and/or School Psychologist shall handle referrals of students to appropriate human service agencies such as counseling and social services.

**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 or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses 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 is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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

## ATTACHMENT I: DISCIPLINE OF STUDENTS WITH DISABILITIES

It may sometimes be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities are entitled to certain procedural protections beyond those available to students without disabilities whenever school authorities intend to impose discipline upon them. The school is committed to ensuring that the procedures 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) A “suspension” means a suspension from 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 an impartial hearing officer because the student poses a risk of harm to himself/herself or others or placement in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.
  - c) An “IAES” means a temporary educational placement, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to receive educational services so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress towards meeting the goals set out in such IEP, and receive, as appropriate, a functional behavioral assessment and intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- 2) School personnel may, following the procedures set forth in Education Law Section 3214, order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a) The school board, the district BOCES superintendent, superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The superintendent may 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 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 may 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 pattern which is equivalent to a change of placement when considering the proximity of time and duration of such suspension.
  - 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 *school* days, even when it is a manifestation of the student's disability, if the student possesses or carries a weapon to school or to a school function, or 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 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 18U.S.C. §930 (g)(w) which includes “a weapon, device, instrument, materials or substance, animate or inanimate, that is used for, or is readily capable of 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 and 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 substantial risk of death, extreme physical pain, protracted or obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.**
5. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 *school* days at a time, if *the IHO*:

*a. determines that the District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others.*

### **B. Change of Placement Rule**

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 is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the similarity of the student’s behavior in previous incidents, the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the *manifestation team* has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or behavior resulting in serious bodily injury.

### **C. Special Rules Regarding the Suspension or Removal of Students With Disabilities**

1) The district’s Committee on Special Education shall:

a) Conduct functional behavioral assessments, *as appropriate*, to determine why a student engages in behaviors that impede learning and how the student’s behavior relates to the environment, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 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, controlled substances *or serious bodily injury*. 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 10 school days in a school year is subjected to a suspension or removal that constitutes a disciplinary change in placement, the members of the manifestation team shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the manifestation team to modify such plan and its implementation, to the extent the committee determines necessary.

2) A manifestation *team shall* conduct a 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, controlled substances *or serious bodily injury or a decision is made by an IHO to place a student in an IAES in a dangerous situation* or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

a) *A manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District*

b) *The manifestation team shall review all relevant information in the student’s file, including the student’s IEP, any teacher observation and any relevant information provided by the parents to determine if the conduct in question:*

1. *was caused by or had a direct and substantial relationship to the student’s disability; or*

**2. was the direct result of the District's failure to implement the IEP.**

3) The parent 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 school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had 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 a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

**b) A District shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:**

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

**2. The parent of the student has requested an evaluation of the student in accordance with Part 200 of the Commissioner's Regulations; or**

**3. 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 District's Director of Special Education or to other supervisory personnel of the District.**

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

1. it was determined that the student is not a student with a disability, or
2. the parent of the student did not allow an evaluation of the student, or
3. the parent of the student has 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 against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to 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 completed, the non-disabled 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 disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, controlled substances **or serious bodily injury** or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others: or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of 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 opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension for more than five school days shall be bifurcated into a guilt/no guilt phase and if guilt is found and a manifestation determination in accordance with § 201.4 of the Commissioner's Regulations results in a "No" manifestation determination, then a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code. The Superintendent shall make a threshold determination of whether a suspension or removal in excess of 10 consecutive school days shall be considered. If such shall be determined affirmatively, the hearing shall be adjourned until a manifestation determination is made.

6) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the *manifestation team* has determined that the behavior is not a manifestation of the student's disability or the behavior involves weapons, illegal drugs, controlled substances or serious bodily injury.

7) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided with a Free Appropriate Public Education (FAPE) as required by federal and state law and the Commissioner's regulations incorporated into this code.

#### **D. Expedited Due Process Hearing**

1) An expedited due process hearing 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 where school personnel maintain that it is dangerous for the student to be in his or 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 or her current educational placement during such 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 pursuant to a disciplinary suspension or removal, including but not limited to any decision to place the student in an IAES.

1. 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, controlled substances *or serious bodily injury*, 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 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.

c) An expedited due process hearing shall be completed within 20 school days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within 10 school days after the last hearing date 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 such action will not constitute a change of the student's placement.

2) The superintendent may transmit copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported only to the extent that transmission is permitted by FERPA.

#### **F. Declassified Students**

In accordance with law, the *manifestation team* must conduct a manifestation determination in the case of a declassified student who has been *subject to discipline that would constitute a disciplinary change in placement*

#### **G. Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504") or Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1) If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. *The record of discipline imposed to date shall be expunged.* The §504 Committee must register a referral and bring about an

evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.

2) If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

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

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.



**ATTACHMENT J: ENFORCEMENT AND PUBLIC CONDUCT**  
**ON SCHOOL PROPERTY**

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

When the 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 person's conduct poses an immediate threat of injury to persons or property, 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, staff member or visitor, as appropriate, in accordance with the "Consequences" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## ATTACHMENT K: SEARCHES AND QUESTIONING

The superintendent shall establish regulations regarding personal searches and interrogations of students, with due regard for the needs of parental knowledge and involvement, in accordance with this policy and the law.

**A. Student searches:** Involuntary personal searches of students and their possessions shall only be conducted by the police, unless there is a serious and immediate threat as well as reasonable suspicion for a search by school personnel. In that case, the Board authorizes the superintendent of schools, building principals and assistant principals to search students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools. Searches that require removal of clothing other than outer coats and jackets will be conducted only if the school attorney or, in his or her absence, the school superintendent, determines that such a search is necessary and justified based on probable cause.

Such searches must conform to state and federal laws, and must be based on reasonable individualized suspicion. The reasonableness of the search will depend upon the:

- Student's age, gender, and school history and record.
- Prevalence and seriousness of the alleged infraction.
- Urgency of an immediate search.
- Reliability of the information used to justify the search and the likelihood that the search will produce useful information.

Students must be told by school administration that school desks, lockers, storage spaces and computers belong to the school district, not the student, and thus may be opened and inspected from time to time by school officials without student permission. But school officials will respect the privacy of such spaces as much as possible.

**B. Questioning of Students by School Officials:** School officials have the right to conduct investigations and question students regarding any violations of school rules and/or illegal activity. The student's parent/guardian may be contacted depending upon the nature and reasoning for the questioning and the necessity for further action which may result. School officials are not required to give students "Miranda warnings" prior to questioning them.

The questioning of students by school officials does not preclude subsequent questioning by police authorities as otherwise permitted by law.

**C. Questioning of Students by Police:** It is the policy of the district to cooperate with law enforcement agencies. While police do not have general power to interview children in school, or to use school facilities in connection with police department work, the police may enter the schools of the district if a crime has been committed on school property, they have a warrant for arrest or search or if they have been invited by school officials.

When the police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. When a student is under the age of 16 and police are present for an interview or investigations, school officials must make every reasonable effort to notify the student's parent(s), unless the police indicate that such interview concerns a student's parent(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect.

**D. Child Protective Services Investigations:** Child Protective Services may in some cases desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse, maltreatment or neglect. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

## ATTACHMENT L: VISITORS TO THE SCHOOLS

Parents and other district citizens are encouraged to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal 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:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must report to the sign in desk upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the sign in desk before leaving the building.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and principal(s), so that class disruption is kept to a minimum.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
- F. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- G. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **ATTACHMENT M: DISSEMINATION AND REVIEW OF CODE**

The district will ensure that the community is aware of this Code of Conduct by:

- Mailing a summary of the *Code of Conduct* written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
- Making full copies of the District Code available to all parents at the beginning of the school year.
- Providing a copy of the Code, and subsequent amendments to the Code, to all current teachers, and other staff members, and to newly hired employees when first hired. as soon as practical after adoption.
- Making copies of the Code available for review by students, parents and community members
- Code and Plan are available on the District website, in the District Office and the main offices of each school.
- Providing an in-service education program for district staff members.
- Reviewing the Code of Conduct every year and update it as necessary.
- Holding a public hearing before adopting any Code revisions.
- Filing any amendments to the Code with the Commissioner of Education.

**A building's regulations, procedures, Code of Conduct or Dress Code must be consistent with and non contradictory to, the District Code of Conduct / Dress Code. Distribution of regulations and procedures relating to the individual building Code of Conduct/ Dress Code, is the responsibility of the building principal.**

### **Review of Code**

An in-service education program for all district staff members to ensure the effective implementation of the code of conduct *will be provided*. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

An advisory committee will be appointed to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

At a regularly scheduled Board meeting the Code of Conduct Committee will present any Code revisions for review. The Board will vote on the Code approximately thirty days later after conducting a public hearing. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.