

# Port Jervis City School District

## Code of Conduct

Adopted: 06/04/19

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## **I. INTRODUCTION**

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and visitors is essential to achieving this goal. As an aid in ensuring a safe and effective learning environment, the Board of Education has authorized the use of surveillance cameras, when necessary, in its schools, on buses, and on school property. This is in no way meant to give students, staff, or visitors a false sense of security, because all video surveillance equipment may or may not be monitored at any particular time. Additionally, district surveillance cameras will only be utilized in public areas where there is no reasonable expectation of privacy.

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, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct.

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function. In the event that Board of Education Policy allows extra-curricular and intramural participation by home-schooled students, said students will be required to abide by this Code of Conduct.

The Port Jervis City School District will not tolerate violence, threats, bullying, and/or substance abuse. Students who break the law, use, possess, distribute, or facilitate the distribution of alcohol or illegal drugs, use vulgar language, or exhibit inappropriate behavior will be held accountable not only to the Disciplinary Code, but may also be referred to the appropriate law enforcement agencies. Additionally, off-campus conduct that affects the health and safety of students or the learning environment of the Port Jervis City School District will be dealt with according to the Code of Conduct.

In accordance with the Dignity for All Students Act, Port Jervis School District policy and practice must ensure that no student in any of the eleven protected classes is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex by school employees or students while on school property, on a school bus, or at a school function.

## II. DEFINITIONS

For purposes of this code, the following definitions apply except for those stipulated under the special education law found on Page 24:

“Controlled Substance” is generally a drug or chemical whose manufacture, possession, or use is regulated by a government. In the U.S., controlled substances are substances that are the subject of legislative control of the DEA and may include illegal drugs, as well as prescription medications.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

“Firearms” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11[6]).

“Harassment and bullying” means 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 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; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law Section 11[7])

“School Bus” means every motor vehicle owned and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School function” means any school-sponsored extra-curricular event or activity.

“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 a school bus.

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, bisexuality, or transgender (Education Law Section 11[5]).

“Social Media” means all forms of electronic communication (such as Web sites for social networking, apps, and blogging) through which users create online communities to share information, ideas, personal messages and other media content (such as images or videos). This includes any and all forms of texting, picture sharing and exchanging of electronic texts and or information.

“Violent student” means a student under the age of 21 whom:

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 the school function, or attempts to do so
3. possesses, while on school property or at a school function, a “weapon”, “deadly weapon” or “dangerous instrument”
4. displays, while on school property or at a school function, what appears to be a “weapon”, “deadly weapon” or “dangerous instrument”
5. threatens, while on school property or at a school function, to use a “weapon”, “deadly weapon” or “dangerous instrument”

“Weapon” means a firearm as defined in 18 USC §921 or New York State Penal Law §265.00 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, gravity knife, pocket knife, (any knife regardless of the length of the blade) brass knuckles, sling shot, metal knuckle knife, chains, wallet chains, studded bracelets, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

The foregoing enumeration is to be construed by way of example and not by limitation.

“Deadly weapon” means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pocket knife, pilum knife, metal knuckle knife, dagger, billy, blackjack, plastic or metal knuckles. Penal Law §10.00(12).

“Dangerous instrument” means any instrument, article or substance, including a “vehicle” as that term is defined in this section, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury, Penal Law §10.00(13).

### **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 actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
3. 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. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits, including homework and outside assignments, and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might escalate to a violation of the Code.
9. Dress appropriately for school and school functions in accordance with the dress code and Student Handbook of their respective school.
10. Accept responsibility for their actions.
11. 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.
12. Report any dangerous or potentially dangerous activities.
13. Report any bullying or cyber-bullying.
14. Respect one another and treat others fairly.
15. Conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination.

#### **IV. ESSENTIAL PARTNERS**

NOTE: Wherever “parent(s)” is mentioned, it will refer to Parents/Person in Parental Relation

Students’ essential partners in the school community also have responsibilities. These expectations are outlined below each group.

##### **A. Parents/Person in Parental Relation**

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 that all absences are legal and make sure their children are properly excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code in their respective school.
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. Attend all child-centered meetings involving one’s child’s education.
11. Help their children deal effectively with peer pressure.
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. Teach their children respect and dignity for themselves and other students in accordance with the Dignity for All Students Act.
15. Maintain updated contact information.

##### **B. All Port Jervis School District Employees**

1. Maintain and encourage a climate of mutual respect and dignity for all students.
2. Report incidents of discrimination and harassment or Code infractions that are witnessed or otherwise brought to the staff member’s attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
3. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Know school policies and rules and enforce them in a fair and consistent manner.
6. Assist in promoting a safe, orderly, and stimulating school environment.

C. Teachers

1. Be prepared to teach, including keeping current in their field.
2. Demonstrate interest in teaching and concern for student achievement.
3. Communicate to students and parents, in a timely manner regarding:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
4. Communicate regularly with students, parents and other teachers concerning growth and achievement.
5. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school and classroom setting.

D. Guidance Counselors and other Pupil Personnel staff

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Assist students and/or their families to seek support from community agencies.
3. Initiate teacher/student/counselor conferences and parent/teacher/ student/counselor conferences as necessary, as a way to resolve problems.
4. At least annually, at the high school, review with students their educational progress, career plans and graduation requirements.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Support educational and academic goals.

E. Principals

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment and one that supports active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal with any concerns.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner.

F. Superintendent

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment and one that supports active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the School Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Assist district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address all areas of school-related safety concerns.

G. Board of Education

1. Collaborate with students, teachers, administrators, 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. Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building.
4. Lead by example by conducting Board meetings in a professional, respectful, and 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 all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disruptive to the educational process.
2. Not include extremely brief, revealing, tight or form fitting garments such as, but not limited to, tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), bare midriff, high slit or short skirts, short shorts, inappropriate Spandex clothing and see-through garments.
3. Ensure that underwear is completely covered with outer clothing and that all clothing is properly secured.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include items that are or could be interpreted as being vulgar, obscene, libelous, or denigrate others on account of the eleven protected groups (see page 3 for a list).
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities or include gang related symbols or apparel, including but not limited to gang colors, gang beads, and wearing article of clothing in a gang-specific fashion.
7. Not include sleepwear, or any pajama-like clothing or slippers except on days designated by the building principal.
8. Not include the wearing of hats, do-rags, or bandanas worn as do-rags, hoodies when hood is upon the head, or any other headgear, in the cafeteria, auditorium, library, offices, and instructional spaces, except for a medical or religious purpose or on days designated by the building principal.
9. Not include the wearing, within the building, of any form of clothing/coat designed primarily for outdoor use, including a hood attached to outerwear, gloves/mittens, and sunglasses except for a medical purpose.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. The administration reserves the right to rule on any new fashion trend.

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. 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, 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' ability to grow in self-discipline.

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act, which disrupts the normal operation of the school community.
  - 6. 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.
  - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; using smart phone apps that interfere with or affect any electronics in the school or attempting to do so; or any other violation of the district's acceptable use policy.
  - 8. Unauthorized use of any electronic device deemed inappropriate by administration.
  - 9. Transmitting of any inappropriate material.
  - 10. Using water pistols, laser lights, or any projectiles.
  
- 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.
  - 2. Demonstrate disrespect to any teacher, administrator, or other school employee.
  - 3. Lateness, missing or leaving school 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 in charge of students.

2. Endangering the health and safety of other students or staff or interfering with classes or district activities.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon another student.
  2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator, other school employee or any other person lawfully on school property.
  3. Engaging in harassing conduct, physical or verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her overall well-being.
  4. Engaging in harassing conduct, physical or verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a teacher, administrator, other school employee, or any other person lawfully on school property to fear for his or her overall well-being.
  5. Brandishing a weapon. 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.
  6. Displaying what appears to be a weapon, threatening to use or actual use of any weapon.
  7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  8. Intentionally damaging or destroying school district property.
- 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. Possessing a weapon or ammunition.
  2. Lying, deceiving or giving false information to school personnel.
  3. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  4. Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, You Tube, and any social media, etc.)
  5. Discrimination against individuals included in any of the eleven protected groups (see page 3 for a list) as a basis for treating another in a negative manner.
  6. Harassment, which includes a sufficiently severe action or 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, including all forms of sexual harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, taking, sending or forwarding sexually explicit videos or pictures and any other verbal or physical conduct or communication of a sexual nature.
  7. "Internet bullying" (also referred to as "cyber-bullying"), including all social media but not limited to the use of e-mail, text messaging, posting to web sites and posting digital pictures or images when such causes, or the student should reasonably foresee that it may cause, a material and substantial disruption in the school environment. The same stipulation would apply to such activity off campus regardless of the time or day.

8. Unauthorized video, picture taking and/or audio recording of any student, teacher, administrator, staff member, or any other person lawfully on school property. This includes the posting and/or dissemination of such video or audio material.
9. Unauthorized video, picture taking and/or audio recording of any teacher, administrator or staff member while off school grounds. This includes the posting and/or dissemination of such video or audio materials.
10. Intimidation, either directly or indirectly, which includes engaging in actions or statements either verbally or electronically that put an individual in fear of bodily harm.
11. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
12. Selling, using, showing, possessing or distributing obscene or indecent material or images.
13. Using vulgar or abusive language, cursing or swearing.
14. Possessing, consuming, selling, distributing or exchanging a cigarette, electronic cigarette, cigar, pipe, chewing or smokeless tobacco, Juules, or any Vapes or Vape products.
15. Possessing any incendiary device including, but not limited to, matches, lighters, fireworks, or similar devices, or what appears to be an incendiary device.
16. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or substances, or being under the influence of either. Substances include, but are not limited to illegal stimulants, depressants, narcotics/opioids, inhalants, marijuana, LSD, PCP, cold/cough elixirs and medicines, designer drugs, club drugs, look-alike drugs, synthetic cannabinoids, synthetic cathinones, steroids, and any illicit substance that will alter the mind or mood regardless of its street name. Inappropriately using or sharing prescription and over-the-counter drugs.
17. Possessing any drug paraphernalia or any device used to consume illegal drugs.
18. Gambling.
19. Inappropriate touching and/or indecent exposure.
20. Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, or tampering with or discharging a fire extinguisher or AED or pulling a fire alarm without a just cause.
21. Displaying signs of gang affiliation including, but not limited to the wearing of colors, beads, gang-identifying styled clothing, and gang gestures or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.

F. Engage in misconduct while on a school bus or on a bus hired to transport students. It is crucial for students to behave appropriately while riding on buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment and discrimination will not be tolerated.

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

1. Plagiarism
2. Cheating
3. Copying
4. Altering records
5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

- H. While off campus, engage in any conduct that affects the health and safety of individuals or the learning environment of the Port Jervis City School District. This includes all forms of social media communication.

## **VII. REPORTING VIOLATIONS**

All students and parents are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol, or illegal substance, witnessing harassment, bullying or discrimination on school property or at a school function shall report this information immediately to a teacher, guidance counselor, the principal, the principal's designee or the Superintendent of Schools.

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

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

The principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his/her designee learns of the violation.

Per Article 2, Section 16 of the Dignity for All Students Act, any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request nor cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

As a general rule, discipline will be progressive. This means that 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 separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### 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.

1. Oral warning – any member of the district staff or one contracted by the district
2. Written warning – any member of the district staff or one contracted by the district
3. Written notification to parent –coaches, teachers, athletic director, principal or his/her designee, Superintendent
4. Restriction of activities - teachers, principal or his/her designee, Superintendent
5. Detention – teachers, principal or his/her designee, Superintendent
6. Suspension from transportation –transportation representative or designee, principal or his/her designee, Superintendent
7. Suspension from athletic participation - coaches, athletic director, principal or his/her designee, Superintendent
8. Suspension from social or extracurricular activities – activity director, principal or his/her designee, Superintendent
9. Suspension of other privileges – principal or his/her designee, Superintendent
10. In-school suspension – principal or his/her designee, Superintendent
11. Removal from classroom by teacher – teachers, principal or his/her designee
12. Short-term (five days or less) suspension from school – principal, Superintendent, BOE
13. Long-term (more than five days) suspension from school – Superintendent, BOE
14. Alternative Education Placement – principal or his/her designee, Superintendent
15. Permanent suspension from school – Superintendent, BOE

## B. Procedures

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

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

### 1. Detention

Teachers, principals or their designee, and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified and the student has appropriate transportation home following detention.

### 2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the transportation representative or designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the transportation representative or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing 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 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 subjected to a suspension from athletic participation, extra-curricular or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parents 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 the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes 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 will be monitored by a school faculty or staff member.

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 building 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: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to the principal’s office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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/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. The teacher must, however, explain to the student why he/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 the class, from which the student was removed, on the next school day, except in extenuating circumstances.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/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, mail delivery, text or email with receipt or other verifiable electronic delivery system or some other means that is reasonably calculated to assure receipt of the notice at the last known address for the parent within 24 hours of the student's removal. 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. 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 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, and/or in conflict with 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/her designee may overturn a removal at any point between receiving the removal form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/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/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/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 is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent, principals or Board Designee (hereafter referred to as "the suspending authority").

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

The Suspending Authority, 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 (five days or less) Suspension from School

When 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, mail delivery, text or email with receipt or other verifiable electronic delivery system or some other means that is reasonably calculated to assure receipt of the notice at last known address for the parents within 24 hours of the decision to propose suspension. 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 charges against the student 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 and teacher. 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 such procedures as the principal may establish.

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. 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 five days) Suspension from School

When the suspending authority determines that a suspension for more than five days may be warranted, he/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, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine 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. A tape 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 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 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.

## C. Minimum Periods of Suspension

### 1. Students who bring to or are in possession of a weapon in school

Any student, other than a student with a disability, found guilty of bringing a weapon onto and/or being in possession of a weapon on school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity to 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.
- 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, shall be subject to suspension from school. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### 3. Students who are found guilty of possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances; or being under the influence of either. (Illegal substances as defined by PJCS D Code of Conduct Section VI, E-14):

Any student, other than a student with a disability, will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity to 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.
- f. Other extenuating circumstances.

4. 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 is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. 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 penalty is the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the 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

1. Counseling

School Counselors shall be available to handle student referrals for counseling.

2. PINS Petitions

The principal or designee may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 17 who demonstrates that he/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 possessing marijuana or other drugs in violation of Penal Law §221.05. A single violation of §221.05 will be a 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 qualified for juvenile offender status to the appropriate law enforcement authorities.

4. Orange County District Attorney

The principal or designee may refer habitually truant students and their parents/guardians to the DA's SMART Program.

**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 means of 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 are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law §3214.

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.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior which precipitated the IAES placement and prevent it from recurring, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in the IEP. In addition, a Functional Behavioral Assessment shall be conducted and a Behavior Intervention Plan implemented to address the behavior which precipitated the IAES placement designed and prevent it from recurring.

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

a. The suspending authority 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 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 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may 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 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.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

#### 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 to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 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 or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE 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 CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The 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 of the Education Law 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 such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The suspending authority imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
      - (1) Conducted an individual evaluation and determined that the student is not a student with a disability; or
      - (2) If the parent of the child has not allowed an evaluation of the child; or;
      - (3) If the parent of the child has refused special education services; or
      - (4) If the District determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled 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 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 or controlled substances 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 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 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 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 incorporated into this code.

D. Expedited Due Process Hearings

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, 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 or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student 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 proposed 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. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the Impartial Hearing Officer may grant specific extensions of such time period, he/she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

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

## **XI. CORPORAL PUNISHMENT**

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.
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 with the Commissioner of Education in accordance with Commissioner's Regulations.

## **XII. STUDENT SEARCHES AND INTERVIEWS**

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

In addition, the Board authorizes the Superintendent of Schools, Building Administrators, and School Nurses, to conduct searches of students and their belongings including motor vehicles on school property if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

An authorized school official may 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 official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Failure to comply with a reasonable request of a search by an authorized school official will result in immediate suspension and possible further disciplinary action.

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

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

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

B. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

C. Police Involvement in Searches and Interviews of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Through the implementation of the School Police Officer Program, routine patrols from various agencies, and programs including but not limited to Too Good for Drugs and DARE, police officers have a significant presence in each of the school buildings. These proactive measures notwithstanding, there may be a need for law enforcement to question, search, or conduct a formal investigation involving students. In such instances, police will have:

- A search or arrest warrant
- Probable cause to believe a crime has been committed on school property or at a school function
- Been invited by school officials for a specific purpose

These criteria are not applicable to the day to day interactions and dialogue that are expected between the school police officers and the members of the learning community, rather in the cases of formal questioning and investigating. If the School Police Officer is conducting an investigation into a matter that may be a

violation of NYS Penal Law, he/she will conduct the investigation following the same guidelines as any other law enforcement officer.

Students who are formally questioned as part of a criminal investigation by police while on school property or at a school function will be afforded the same rights as outside of school, including:

- Being informed of their rights
- Their right to remain silent
- Their ability to request the presence of an attorney

#### 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 cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to principal or his or her designee. The principal or designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or school district official of the opposite sex.

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.

If there is a fear that a child would be placed in imminent danger if he or she is allowed to return home, the District should immediately contact law enforcement. The District may retain custody of a child if directed by local law enforcement.

### **XIII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. However, since schools are a place of work and learning, certain limits must be set for such visits. The 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. All visitors to the school will be required to show a driver's license or some form of identification and have their picture taken to sign in the visitor's register. Each visitor will be issued a visitor's identification badge, which **MUST** be visibly worn at **ALL** times while in the school or on school grounds. All visitors **MUST** sign out before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register, but must leave the school immediately after the meeting or gathering and cannot walk around in any school building.
4. 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 building administrator(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. If the police need to be called, Penal Law charges for Trespass will be made by the highest school staff member present and a Trespass letter will be issued for up to a one (1) year removal of the violator from any school grounds, functions, or activities.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. All visitors are asked to be a role model for their student and abide by the school's dress code.

#### **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 and district personnel.

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

All persons on school property or attending a school function 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 purpose they are on school property.

##### **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 any school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property. This includes, but not limited to, graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, gender identity, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, buy, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess, use, buy or sell 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.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. 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. Be in possession or use of skateboards, skates, hoverboards, scooters, or bicycles, on any of the walks, steps, or other indoor and outdoor areas of school property, except for bicycles used during daylight hours.
17. Smoke anywhere on school grounds.

## B. Penalties

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service 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 3 and 4: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. Enforcement

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

When the principal or his/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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or 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 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, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XV. DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Insuring the code is made available to all parents via the website or in hard copy.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members and provide opportunities to review and discuss this code with the appropriate personnel.

### **B. Review of Code of Conduct**

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of students, administrators, parents, and staff.

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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner (30) days after their respective adoptions.