

CODE OF CONDUCT

**GARRISON UNION FREE SCHOOL DISTRICT
GARRISON, NEW YORK 10524**

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8 New York Code of Rules & Regulations
(NYCRR) Section 100.2(2)

Code of Conduct

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I. Introduction

The Board of Education of the Garrison Union Free School District 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 other visitors is essential to achieving this goal.

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

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

For purposes of this Code, the following definitions apply.

Disability:

- (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.
 - (1) 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.

Discrimination:

Discrimination is the act against any student, by employees or students on school property, or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse of such a severe nature that:

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

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Such conduct shall include but is not limited to threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

Employee:

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 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to the district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

Gender:

Actual or perceived sex and shall include a person's gender identity or expression.

Harassment:

Includes the creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior (including verbal threats, intimidation or abuse) may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race;
- Color;
- Weight;
- National Origin;
- Ethnic Group;
- Religion;
- Religious Practice;
- Disability;
- Sex;
- Sexual Orientation; or
- Gender (including gender identity and expression)

Sexual Orientation:

Actual or perceived heterosexuality, homosexuality or bisexuality.

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Disruptive Student:

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.

Parent:

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

School Property:

In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

School Function:

Any school-sponsored extra-curricular event or activity.

Violent Student:

A student under the age of 21 who:

- (a) Commits an act of violence upon a school employee or attempts to do so.
- (b) 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.
- (c) Possesses, while on school property or at a school function, a weapon.
- (d) Displays, while on school property or at a school function, what appears to be a weapon.
- (e) Threatens, while on school property or at a school function, to use a weapon.
- (f) 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.
- (g) Knowingly and intentionally damages or destroys school District property.

Weapon:

A firearm as defined in USC §921 for purposes of the Gun-Free Schools Act, as well as any other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

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

1. Take part in all District activities on an equal basis regardless of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender identity, sex, sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

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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 show respect to other persons and to property.
2. Leave unauthorized personal electronic devices/equipment (i.e. cell phones, MP3 devices, cameras and other personal electronic devices deemed inappropriate by the administration) at home; they are not permitted in school or on campus. Cell phones must be turned off and left in their locker when in school.
3. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
4. Attend school every day and be in class, on time, and prepared to learn, unless they are legally excused.
5. Work to the best of their ability in all academic and extra curricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Work to develop mechanisms to control their anger.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to discipline.
10. Dress appropriately for school and school functions as per school dress code.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
13. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

IV. Essential Partners

The Board of Education recognizes the essential roles of all members of the school community, including parents, students, administrators and principals, teachers, guidance counselors, support staff and other school personnel in promoting a positive, healthy and harassment free environment. Collaboration is essential in promoting and fostering a school environment that promotes tolerance, respect and dignity for all persons within the school community. School administrators, teachers, staff and other school personnel are charged with providing an age appropriate and timely response to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

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A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and arrive on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build positive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Faculty

All District faculty members are expected to:

1. Maintain 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/gender identity or sex, with an understanding of appropriate behavior, language and appearance in a school setting, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach or supervise as appropriate.
3. Demonstrate interest in education and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents (when appropriate):
 - a. Course objectives and requirements.
 - b. Marking/grading procedures.
 - c. Assignment deadlines.
 - d. Expectations for students.
 - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

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C. Guidance Counselors/School Psychologists

All counselors and psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extra-curricular programs.
6. Maintain and encourage 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/gender identity, or sex with an understanding of an appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

D. Principals

The principal is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extra-curricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage 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/gender identity, or sex with an understanding of an appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

E. Superintendent

The superintendent is expected to:

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting 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 Board about educational trends relating to student discipline.

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4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator and parent organizations school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

G. School Volunteers

Volunteers are expected to:

1. Maintain a climate of mutual respect and dignity.
2. Be prepared and arrive on time for their volunteer activity.
3. Know school policies and rules.
4. Build good relationships and communicate with school staff members, other volunteers and the students.
5. Encourage students to participate and benefit from the volunteer activity.

V. Student Dress Code

All students are expected to maintain personal cleanliness and dress appropriately for school and school-sponsored functions. Students and their parents have primary responsibility for ensuring acceptable student dress and appearance at school. 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.

Student dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not include extremely brief garments and/or see-through garments, clothing that is excessively short, or too low-cut, such as shorts, skorts/skirts, spaghetti strap shirts, backless shirts, bare midriff or halter-tops, or clothes that have extremely plunging necklines or waistlines.

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3. Include footwear at all times. Footwear that presents a safety hazard will not be allowed (i.e., roller sneakers, extremely high heels, etc.).
4. Preclude wearing hats in the classroom except for medical or religious purposes.
5. Not include items that are vulgar, obscene, and libelous or denigrate others due to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender identity, sex, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

VI. Prohibited Student Conduct

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

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

1. Engage in conduct that is disorderly, and/or engage in any willful act which disrupts the normal operation of the school community. Examples of disorderly conduct include, but are not limited to:
 - a. Running in hallways.
 - b. Making unreasonable noise.
 - c. Using language or gestures that are profane, lewd, vulgar or abusive.
 - d. Obstructing vehicular or pedestrian traffic.

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- e. Engaging in any willful act, which disrupts the normal operation of the school community.
 - f. 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.
 - g. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites, evading the District's content filter; using an outside wireless network, or any other violation of the District's Acceptable Use Policy.
 - h. Unauthorized use of personal electronic devices/ equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
 - i. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
2. Engage in conduct that is insubordinate by failing to comply with the reasonable directions of teachers, school administrators or other school personnel or otherwise demonstrating disrespect.
 3. Engage in conduct that is disruptive, and fail to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 4. Engage in conduct that is violent. Examples of violent conduct include:
 - a. Committing an act of violence upon a teacher, administrator, other school employee, Board of Education member or school volunteer, or another student, or attempting to do so.
 - b. Possessing a weapon, displaying what appears to be a weapon, threatening to use any weapon.
 - c. Intentionally damaging or destroying the personal property of a student, teacher administrator, other District employee or School District property.
 - d. Intentionally damaging or destroying School District property.
 - e. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well being.
 5. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
 - a. Lying to school administration.
 - b. Stealing.
 - c. Defamation of character.
 - d. Discrimination.
 - e. Violation of civil rights.
 - f. Harassment (which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning).
 - g. Intimidation.
 - h. Hazing.
 - i. Selling, using or possessing obscene material.
 - j. Using vulgar or abusive language.
 - k. Smoking.

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- l. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
 - m. Inappropriately using or sharing prescription and over-the-counter drugs.
 - n. Gambling.
 - o. Indecent exposure.
 - p. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 - q. Discrimination, based on a person's actual or perceived race, age, sexual orientation, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, or disability as a basis for treating another in a negative manner on school property or at a school function.
 - r. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver.
 7. Engage in any form of academic misconduct. Examples of academic misconduct include:
 - a. Plagiarism
 - b. Cheating
 - c. Copying
 - d. Altering records

All disciplinary measures resulting from prohibited behaviors are left to the discretion of any faculty member and/or the principal, in accordance with the Code of Conduct. The repeating of an infraction may lead to the imposition of the next measure of discipline. Chronic repeating of infractions may lead to the suspension from any school-related activities: for example school trips, events, fundraisers, dances, 9th period activities, extra-curricular activities, and may lead to long-term suspension or permanent suspension (expulsion).

VII. Reporting Violations

All students 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 and any dangerous item on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. 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.

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

The building principal or his or 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 or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. Dignity for All Students Act (DASA)

It is the policy of the State of New York, as set forth in the Dignity for All Students Act (DASA) as well as federal civil rights statutes, including Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and all subsequent amendments, to afford all students in public schools an environment free from discrimination and harassment.

In order to foster an environment which promotes and supports students' ability to learn and to meet high academic standards in the Garrison Union Free School District, the Board of Education is dedicated to ensuring the District promptly addresses any conduct which is inconsistent with the District's educational mission or which detracts from a healthy and positive school climate, including discriminatory or harassing behaviors as defined by the Dignity for All Students Act or related federal civil rights statutes set forth above. The Board of Education is committed to providing all its students with an environment free from discrimination and harassment and shall take steps to prevent harassment and discriminatory behaviors through educational measures designed to promote tolerance, respect for others and to promote awareness and sensitivity to discrimination or harassment to encourage civility and a climate of mutual respect, equality and dignity for all students on school grounds and at all school sponsored activities, programs or events. Harassment against any student by any student or employee that creates a hostile environment by conduct will not be tolerated.

By combining prevention with education, the District's goal is to decrease incidents of discrimination and harassment while simultaneously increasing awareness among students and staff to be sensitive and alert to the warning signs of bullying and harassment as well as their obligation to report or act when such acts occur. Essential components of this effort shall include:

- Instruction and strategies which identify early warning signs and precursor behaviors which, if left unaddressed, may lead to discrimination, harassment or bullying;
- Gathering information related to harassment, discrimination or bullying from students, parents, school staff and the community;

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- Establishing school wide and classroom rules that clearly prohibit discrimination and harassment.
- Providing instruction to students in civility and tolerance designed to promote a climate of mutual respect and dignity for all students.
- Providing professional development and school wide training to staff to be able to identify, respond sensitively and consistently to incidents of harassment and bullying as well as to promoting tolerance and respect for all.
- Providing adequate adult supervision, particularly in less structured areas such as hallways, cafeteria and playground, as applicable.
- Notification to Parents as to District and school-wide efforts to become involved in preventing and addressing prohibited conduct and promoting a positive and healthy school environment.

The Board directs the Superintendent to establish a District-wide task force to develop administrative procedures to promote the early identification of bullying and harassment; to develop training and implementation educational programs and professional development for students and staff and to develop other preventive strategies and interventions. The Board of Education will appoint a Dignity Act Coordinator for each school. The task force, in conjunction with the DAC shall develop procedures and forms for District-wide use for reporting, investigation, remediating, tracking and preventive actions taken to discourage reoccurrence instances of harassment or discrimination. In addition, the District will submit and report to the State on an annual basis material incidents of discrimination and harassment on school grounds or at school functions. Such report shall be submitted in a manner prescribed by the Commissioner on or before the Basic Educational Data System (BEDS) reporting deadline or such other date as determined by the Commissioner.

The Board of Education recognizes the need to clearly define expectations for acceptable conduct on school property by staff and students and to identify the possible consequences of unacceptable conduct, to ensure that discipline is administered promptly and fairly when necessary. To this end, the Board adopts this code of conduct. Unless otherwise indicated, the code of conduct applies to all students, school personnel, parents and other visitors when on school property or at school functions.

Dignity Act Coordinator

The Board will designate at least one staff member in every school to serve as the Dignity Act Coordinator. The Role of the Dignity Act Coordinator (“DAC”) is to coordinate and enforce this policy. The DAC shall be thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity and expression and sex. The DAC shall be responsible for coordinating employee training, supporting implementation of district policy, ensuring inclusive curriculum to reinforce and promote tolerance and a harassment free environment. The DAC shall also serve as an accessible resource to students and staff related to this policy or prevention and response strategies.

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The role of the DAC is crucial in promoting a positive educational climate, therefore there must be an acting DAC at all times. In the event that a DAC vacates his or her position, another school employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor DAC by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform the duties of the position for an extended period of time, then another school employee shall be immediately designated as an interim appointment as the DAC, pending the return of the previous DAC to their duties.

To promote the communication between parents, teachers, students and other educational professionals and to publicize the availability of the DAC as a resource at each school, the name, designated school and contact information for each DAC shall be available on the District's website; included in the plain language code of conduct summary provided to all parents and students before or at the beginning of each school year; included in at least one district or school mailing per school year and if the DAC changes, in at least one subsequent mailing as soon as practicable thereafter; by posting the contact information in highly visible areas of the school buildings and by making the contact information available at the District and school-level administrative offices.

Intervention

Intervention at the earliest stage possible is key to preventing escalation of harassment and discrimination and to encourage proactive resolution to promote a positive learning environment for all students. Intervention efforts will emphasize measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees focusing on education and should be designed to discourage another occurrence of the behavior.

Successful intervention may involve remedial measures. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remediation may be targeted to the individual(s) involved in the harassing or discriminatory behavior or may include environmental approaches which are targeted to the school or district as a whole. Individual-focused remedial measures may include, but are not limited to peer support groups; corrective instruction or other learning or service experience; supportive interventions; behavioral assessment or evaluation; behavioral management plans with closely monitored benchmarks; student counseling and parent conferences. Environmental remediation strategies may include supervisory systems that empower school staff with prevention and intervention tools to address incidents of bullying and harassment; strategies for determining the conditions contributing to discriminatory behaviors; adoption of research-based, systemic harassment prevention programs; modification of schedules; adjustment in hallway traffic and other student routes of travel; targeted use of monitors; staff professional development; parent conferences; involvement of parent-teacher organizations and peer support groups.

In addition to addressing the discriminatory or harassing conduct, intervention shall also include support and assistance to the student that was the target of the harassment as well as identification of prompt and effective steps reasonably calculated to end the harassment; to eliminate any hostile environment and to prevent such conduct from reoccurring. When

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harassment has occurred, staff, in conjunction with the DAC, the parents and the student, as appropriate, shall review whether the student requires counseling support, accommodations or other services to remedy the effects of the harassment and if there is a need, shall provide such services or supports. Accommodations and on-going supports provided to a target of harassment shall be reviewed, as needed, to ensure that any safety concerns have been addressed and to determine whether accommodations or supports should be continued, adjusted or discontinued.

Reporting and Investigation

The District recognizes its ongoing commitment to provide a safe and positive educational climate free from bullying and harassment and will publicize its policies and reporting expectations for incidents of harassment or discrimination. To ensure effective and timely redress to incidents of bullying and harassment, students who have been harassed, students or staff who have witnessed what they believe to be an incident of bullying or harassment are encouraged and expected to promptly make a written or verbal complaint to school personnel in a manner consistent with publicized school-wide practices and guidance as soon as possible after the incident.

The District can't effectively address harassment or bullying if incidents are not reported. All school personnel have a duty to report incidents of student to student or staff to student harassment which they observe to their supervisor, the building administrator or the DAC. If school personnel receive any reports of incidents of harassment against a student by staff or other student(s), they must promptly relay the report to their supervisor, the building administrator or to the DAC as set forth in the implementing procedures for this policy. If a staff member is unfamiliar with the reporting procedure, it is their obligation to inquire about the process from their supervisor and to act accordingly. An employee who fails to report an observed incident, regardless of whether the student complains, may be deemed to have permitted unlawful discrimination or harassment.

Once the school knows of an alleged incident of harassment, there must be a timely investigation to determine what occurred. Complaints shall be handled and documented in accordance with regulations and procedures developed by the District-wide task force in conjunction with the DAC. The results of the investigation shall be reported back to both the target and the individual accused of harassing or discriminatory behavior or conduct. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the procedures established by the District-wide task force to implement this policy.

The District will make a bullying complaint form available on its website and at the main office in each building to facilitate reporting. The District will promptly and equitably investigate all complaints, formal or informal, verbal or written. In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in

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accordance with the code of conduct, applicable collective bargaining agreement, District policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with related anti-discrimination policies will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the guidance procedures developed by the District-wide task force.

To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. The District will balance its legal obligation to conduct its investigation, to take necessary action to resolve the complaint and to provide procedural rights to the individual(s) accused of the harassment or discrimination through the investigation. Individuals responsible for investigating complaints will discuss any concerns or issues related to confidentiality with the individuals involved. Complainants must be informed that the District's need to respond effectively to the harassment and to prevent reoccurrence is a critical part of the investigation. All complainants shall be advised that District policy and federal law prohibit retaliation against complainants and witnesses. If the complainant, witness or reporting staff member believes that they have experienced retaliation, they need to report this issue as soon as possible to the District for appropriate responsive action to address and to prevent retaliation from recurring, if applicable.

The reporting mechanism used for identifying instances of discrimination and harassment should be used to compile relevant information which may assist in assessing the school climate and the effectiveness (or challenges) related to interventions; staff training; guidance and forms or student educational programs.

Disciplinary Consequences/Remediation

Even with prevention and education, instances of discrimination or harassment may still occur. Should such an instance arise, the individual engaging in the harassing or discriminatory conduct must be advised that their actions and conduct will not be tolerated and that their behavior must be changed immediately. Students who engage in harassing or discriminatory conduct will receive guidance on making positive choices and support to understand how their actions have negatively impacted other student(s) and must not continue. As appropriate, disciplinary action will be taken by the building principal or other authorized administrator in accordance with the District's Code of Conduct. If the discriminatory or harassing behavior rises to the level of criminal activity, law enforcement will be contacted.

Progressive discipline consequences will be considered in response to instances of discrimination or harassment and the individual imposing consequences shall consider the nature and severity of the misconduct, the developmental age of the student, and the student's history of problem behaviors, prior interventions and the student's response and must be imposed in a manner consistent with the district's Code of Conduct.

In addition to disciplinary measures, remedial responses should be considered to discern why the discrimination or harassment occurred and should be targeted to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remedial measures may be appropriate on an individual or school-wide basis, depending on the nature of the underlying misconduct.

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Non-Retaliation for Reporting or Participating in an Investigation When Acting in Good Faith

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee or student on school grounds or at a school function who reports such information to school officials, the Commissioner or law enforcement, who reports and acts in good faith, shall be immune from civil liability from making such a report.

In addition, all complainants; those who participate in the investigation of a complaint in conformity with state law and District policies, or who are required to testify, participate or assist in the investigation procedure shall be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Prevention and Training

The Board of Education directs training for employees, including school and District administrators, and instructional and non-instructional staff designed to promote a safe and supportive school climate while discouraging discrimination or harassment against students by students or school employees, including the use of safe and supportive school climate concepts in the curriculum and classroom. The Board will review and approve training guidelines developed by the District-wide task force consistent with this training policy. This training may be provided in conjunction with existing professional development training or any other training for school employees.

Staff members and students will be educated to help create a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender (including gender identity or expression, actual or perceived) or sex which will help strengthen student's confidence and promote learning. Staff shall also be trained to recognize that under federal civil rights laws and regulations, students are protected from harassment by school employees, other students and third parties. They shall also be trained to understand that some student misconduct which violates or falls under the District's anti-discrimination or anti-harassment policies may also implicate one or more of the federal civil rights laws enforced by the Office of Civil Rights of the Education Department.

Staff members will be provided training to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functioning. Staff members will be trained to recognize and respond to incidents of discrimination and harassment and to timely report incidents of discrimination and harassment that they witness or that are brought to a staff member's attention. Through training, staff will learn to address personal biases that may prevent the equal treatment of all students in the school or classroom setting and to promote and maintain a climate of mutual respect and dignity for all students to strengthen student's confidence and to promote learning. Teachers and administrators will receive District-wide professional development. All staff with direct student contact will receive District-wide instruction on promoting a positive school environment free from discrimination and to discourage and respond to incidents of discrimination or harassment. The Superintendent and

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the Professional Development Coordinator will incorporate training to support this anti-discrimination and harassment policy into new teacher orientation and the annual professional development plan.

Instruction for students in Civility, Citizenship and Character Education

Students shall receive instruction in patriotism and citizenship as required by Section 801 of the Education Law. In addition, students shall be instructed to raise awareness and sensitivity to discrimination or harassment and to promote civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, gender expressions or identities and sexes. Curricular materials related to the above topics will be included in the instructional program for grades K-12. The District will use a variety of means to set forth clear expectations for student conduct and behavior, including a bill of rights and responsibilities for students which focuses on positive student behavior and the goal of promoting a safe and supportive school climate and learning environment for all students.

IX. Disciplinary Penalties

Procedures and Referrals

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

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2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – director of transportation, principal, superintendent
6. Suspension from athletic participation – coaches, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal
11. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
12. Long-term (more than five days) suspension from school – principal, superintendent, Board of Education
13. Permanent suspension from school – superintendent, Board of Education

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 or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. 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 building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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

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provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school, and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be 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 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 into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) 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 rule.

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A classroom teacher may remove a disruptive student from class for up to two days following consultations with the principal. 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.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must inform the student of the undesirable behavior 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 behavioral form and meet with the principal to explain the circumstances of the removal. 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 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents that the student has been removed from class and why.

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 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 and the building principals.

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention.

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

a. Short-Term (5 days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant

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

The notice shall provide a description of the 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. 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 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. In such case, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

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

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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 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 a weapon to school

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

- 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 for at least five days. If the proposed penalty is the minimum five-day suspension, 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 penalty exceeds the minimum five-day

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suspension, the student and the student's parents 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 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 five days. 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, or three or more occasions during a quarter. 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 parents 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.

D. Referrals

1. Counseling

The RTI Team shall handle all referrals of students to counseling.

2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family court on any student under the age of 18 who demonstrates that he 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 a sufficient basis for filing a PINS petition.

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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).
- c. 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.

X. 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.

XI. 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 enjoy 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 or 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 precipitating the IAES placement occurred, 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 such IEP, and include services and modifications to address the behavior which

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precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the District (BOCES) 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 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 carries or possesses 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.
 - 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is rapidly 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.
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. Disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

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- 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 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 Suspension or Removal of Students w/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.
 - 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 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.

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- 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 determination that the student is not a student with a disability, or
 - 2) 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 for the 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.

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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 to the student to be in his other 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 propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. 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 or 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.

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XII. 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.

XIII. Student Searches and Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the 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, building principal, school nurse and the building and grounds supervisor to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant.

Before searching a student or the student's belongings, two (2) authorized school officials 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.

Whenever possible, searches will be conducted by two (2) authorized personnel in the privacy of administrative offices and students will be present when their possessions are being searched.

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A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no 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. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, there must be more than one authorized school official present. The school official, may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause, not simply reasonable cause, to believe the student is concealing evidence of a violation of law or the District code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent.

C. 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 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 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.

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

D. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

E. 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 building principal or his or her designee. The principal or his or her 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,

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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.

XIV. 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. Since schools are places 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:

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 must report to the office of the principal 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 sign out in the principal's office 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.
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), 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. 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.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XV. 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.

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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 objective 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 school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including 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. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
6. Obstruct the free movement of any person in any place to which this code applies.
7. Violate the traffic laws, parking regulations or other restrictions on vehicles;
8. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
9. Possess or use weapons in or on school property or at a school function. (Law enforcement personnel who are required to carry weapons are the only people permitted to have a weapon in their possession on school property.)
10. Loiter on or about school property.
11. Gamble on school property or at school functions.
12. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
13. Willfully incite others to commit any of the acts prohibited by this code.
14. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

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. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

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3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a 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 subdivision 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 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 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.

XVI. Dissemination and Review

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the District's website. A harassment incident or discriminatory complaint form will be available on the District's website. The District will ensure that the process of reporting incidents of harassment or bullying is clearly explained both in the policy, the plain language summary and on the complaint form.

On an annual basis, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and continued compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

XVII. Infractions and Consequences

A. Infractions

1. Disturbances that disrupt instruction. (1,2,3,4)

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2. Abusive language directed at staff, students or visitors on school grounds or at school functions. (1,2,4,5)
3. Any use of profanity directed at staff, students or visitors. (1,2,4,5)
4. Failing to follow school rules and staff directions. (1,2)
5. Possession or dissemination of obscene materials. (1,2,4)
6. Cheating in any academic or extra-curricular or co-curricular activity. (1,2, child will receive zero for assignment)
7. Abusive and/or insubordinate gestures directed at school employees or peers which provoke a fight. (1,2,3,4,5)
8. Fighting between students where no person is injured in the altercation. (1,2,3,4,5)
9. Fighting between students where harm is caused to one or more of the combatants. (3,4,5,6,8)
10. Any violent act against a teacher or other staff member. (4,5,6,8,9)
11. Any violent act against another student or person in the schools or at a school function. (4,5,8)
12. Possession of dangerous or deadly weapons on school property or at school functions. (7,8,9)
13. Possession of drugs, alcohol, cigarettes in school or at school functions. (4,5,6,8,9)
14. Gambling. (1,2,4,5)
15. Obscene, lewd, vulgar or indecent conduct or speech that is oral or written. (1,2,4,5,6)
16. Public displays of affection. (1,2,4,5)
17. Theft of personal and school property as well as defacing or destroying personal and school property. (1,2,4,5,6,9)
18. Use or possession of a light or laser pointer. (1,2,4 and/or confiscation)
19. Violation of computer use policy. (1,2,3,4,5,6,9, suspension of computer privileges)
20. Activation of a false fire alarm, bomb threat or other disaster alarms. (1,4,6,7,8)
21. Bullying, intimidation or coercion. (1,2,4,5,6,8)
22. Leaving school premises without authorization. (1,2,4,5)
23. Tardiness to class/school. (1,2 lunch detention)

THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.

B. Consequences

The following shall constitute appropriate disciplinary measures authorized by this Student Code of Conduct:

1. Warnings (oral or written).
2. Detention.
3. Removal from class.
4. In-school suspension.
5. Suspension from school for up to five (5) school days.
6. Suspension from school in excess of five (5) days.
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days.

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8. Placement in an interim alternative educational setting for a period of up to forty-five (45) 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 at a school or a school function is determined not to be related to his/her disability.
9. Suspension and notification of police.
10. Permanent suspension (Expulsion).