Sodus Central School District

Code of Conduct



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Sodus Central School District

Code of Conduct
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I. Introduction

The Board of Education of Sodus Central School District ("Board") 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 Sodus Central School District is committed to creating and sustaining a positive school environment that supports teaching and learning. The District has embraced strategies to teach all students and adults those positive behaviors that demonstrate respect, responsibility, and kindness in grades pre-K through twelve. These strategies are collectively called "PBIS" - Positive Behavioral Interventions & Supports. As a school, we believe that we can teach and reinforce the highly desirable behaviors that make our school a great place to learn and work.

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

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

The District has established a separate District-level school safety plan and a building-level emergency response plan for each District school, which have been developed in accordance with applicable law and regulation to assure the security and safety of students and school personnel.

II. Strategic Plan

Beliefs

We believe:

- All students can learn.
- Learning will transform the future of our community.
- An excellent education results from a strong family-school-community partnership.
- Individuals achieve more when they are invested in purposeful, meaningful learning.
- The essence of our diverse community must be embraced, respected, and promoted.
- Individuals are responsible for their actions.
- Individuals deserve to be treated kindly and with respect.

Objectives

- Each of our students will make progress towards achieving personal goals.
- Each of our students will identify, access and explore a wide spectrum of personal interests that widen their world view.
- Each of our students will progress toward academic excellence, as defined by multiple measures of success.
- Each of our students will become aggressive problem solvers.

Parameters
All school programs will contribute to the mission of the school.

The District will:

- Provide on-going, high quality professional development for staff.
- Be continuously evaluated to determine if it is achieving its intended results.
- Employ professionals whose behavior contributes to the achievement of the strategic vision.
- Commit to the periodic review of our Strategic Visioning documents for the purpose of assessing our progress in answering four essential questions:
  - What do we expect students to learn?
  - How will we know if students are learning what we expect them to learn?
  - What will we do if students don't learn what we expect them to learn?
  - How will we engage students in their own learning?

III. Glossary

For purposes of this code, the following definitions apply.

"Cyberbullying" means harassment/bullying as defined by this code, through electronic communication.

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

"Discrimination" means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class.

"Disruptive student" means a 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.

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

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

"Gender" means a person's actual or perceived sex and includes a person's gender identity or expression.

"Harassment/Bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:

a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or
b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
d. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For the purpose of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. Acts of harassment and/or bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups, including but not limited to race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Hazing" is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term "hazing" includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations

"Illegal Substance" means substances which include, but are not limited to alcohol, inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs when possession is unauthorized, or such are inappropriately used or shared with others, or any product or substance which, when misused, will result in an impaired or altered state. Illegal substances also include any paraphernalia related to these substances.

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

"Material incident of Harassment, Bullying and/or Discrimination" means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occurs off school property and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. 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, sex or any other legally protected status.

"Retaliation" means when any employee, student, or visitor mistreats any person because he/she/they reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying. It is possible that an alleged harasser may be found to have retaliated if the underlying complaint is not found to be a violation of this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

"Sexual Orientation" means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

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

"School function" means any school-sponsored extracurricular event or activity.

"School property" means on 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.

"Student with a disability" means a student with a disability as defined in section 4401(1) of education Law, who has not attained the age of 21 prior to September 1st who is entitled to attend public schools pursuant to section 3202 of the Education Law and who because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department.

"Student presumed to have a disability for discipline purposes" means a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in IDEA and its regulations.

"Tobacco Product" means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products.

"Under the Influence" means when a person has used any quantity of an illegal substance within a time period reasonably proximate to his/her/their presence on school property, on a

school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

"Violent student" means a student under the age of 21 who:

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

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, toy or replica/fake weapon, or any other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

IV. 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 those rights, all district students have the right to:

1. A safe, healthy, orderly and civil school environment.
2. Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation or disability.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty, and
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive

toward their highest level of achievement possible.

5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

V. Essential Partners

A. Parents/Guardians

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. 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.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching 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:
    a. Course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Expectations for all students

e. Classroom discipline plan.

6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Guidance Counselors

All district counselors 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 extracurricular programs.

D. Principals

All Principals are 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 all instructional programs on a regular basis.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, 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 of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all 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 once every year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

VI. Student Dress Code

A dress code and its implementation impact both the constitutional rights of students and the responsibilities of school officials to maintain an environment conducive to learning. As such, the purpose of this dress code is to strike a positive balance between a student's right to free expression and the educational mission of the district.

Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should, at a minimum, adhere to the dress code, as well as exemplify acceptable dress and help students develop an understanding of appropriate appearance in the school setting. Often, the default language the school will use in individual cases is, "the attire one would wear in a professional workplace."

Clothing, accessories, or appearance that run contrary to the district's educational mission, cause a material or substantial disruption of the educational process, or infringe upon the rights or safety of others, can be regulated.

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. The Principal or members of pupil services staff (Asst. Principal, counselors, social workers, nurse, school resource officer, crisis intervention specialist, etc.) shall make the decision on whether a student's attire conforms to the dress code.

A student's dress and appearance, including accessories, shall meet the following requirements:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. All clothing must cover the midriff, lower abdominal area, gluteal area, and chest area, and students may not wear clothing with holes, rips, or sheer fabric through which these areas of the body are visible.
3. Students shall ensure that undergarments are completely covered with outer clothing.
4. Students shall wear proper footwear should be worn at all times. Footwear that is a safety hazard will not be allowed (for example: slippers and "heelies").
5. Headwear may be worn during the school day and must be safe and appropriate for the school setting. All forms of headwear must be removed during the pledge of allegiance/national anthem and in the auditorium. The headwear rule will be evaluated every ten weeks. If it is determined that the wearing of headwear during the school day poses a disruption to the school environment, adjustments will be made. Hoods are not allowed to be worn on the head at any time.
6. Chains in excess of 8 inches or spikes of any length are inappropriate for school.
7. Students shall not wear attire that is vulgar, obscene, libelous, or offends others on account of race, color, religion, ancestry, national origin, gender, sexual orientation, or disability is not appropriate for the school setting.

8. Attire that promotes and/or endorses the use of alcohol, tobacco, or illegal drugs, sexual activity, and/or encourages other illegal or violent activities is inappropriate.
9. Coats, jackets, blankets and other types of outerwear must be removed and stored in lockers during the school day.
10. Sunglasses (unless medically advised) must be removed while in school.

Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so. Additionally, nothing in this Dress Code will be considered to limit the ability of students to wear certain protective hairstyles (including but not limited to braids, locks, and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

Any item that violates the above regulations must be picked up by a parent.

The School Principal and or 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.

Violations of the dress code should be considered opportunities or "teachable moments" to discuss issues around dress and appearance, such as culture, religious identity, gender and gender identity, dignity and respect.

Students who violate the dress code will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practicable, replacing it with an acceptable item. Any student who refuses to do so shall be subject to one of the levels of response below:

1. Classroom support – This response is appropriate when the students had no prior incidents and/or when no interventions have been put in place.
2. Intensive Support – This response is appropriate when classroom support has been in place however the violation continues, or the student willingly violates the intervention put in place.

As a goal, students should only be suspended or otherwise removed from their educational program when they refuse to comply with the dress code. A student will be seen with minimal invasion to their school day.

Intensive Support – Consequences may include:
- In School Suspension
- Detention
- 3:00-5:00 p.m. Detention
- A combination of the consequences listed above
- Suspensions resulting from escalations of conflict relating to dress code violations.

VII. Prohibited Student Conduct

The Board of Education expects 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:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
   1. Running in hallways.
   2. Making unreasonable noise.
   3. Using language or gestures that are profane, lewd, vulgar or abusive.
   4. Obstructing vehicular or pedestrian traffic.
   5. Engaging in any willful act that disrupts the normal operation of the school community.
   6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
   7. Computer/electronic (to include cell phones/texting) communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
   1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
   2. Lateness for, missing or leaving school without permission.
   3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
   1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
   2. Being persistently late for school or class.
   3. Being persistently unprepared for class.
   4. Failure to comply with the Dress Code.
   5. Taking photographs, videos or recording of other individuals without verbal consent.

D. Engage in conduct that is violent. Examples of violent conduct include:
   1. Committing an act of violence (such as hitting, kicking, punching and scratching) upon a teacher, administrator or other school employee.
   2. Committing an act of violence (such as hitting, kicking, punching and scratching) upon another student or any other person lawfully on school property.
   3. Possessing a Weapon as defined by this code. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school

property or at a school function.
4. Displaying what appears to be a Weapon as defined by this code.
5. Threatening to use a Weapon as defined by this code.
6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

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

Examples of such conduct include:
1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Acts of sexual harassment as defined in the district's sexual harassment policy.
4. Selling, using or possessing obscene material.
5. Possessing purchasing, consuming, using, selling, distributing, exchanging, or attempting to possess, purchase, consume, use, sell distribute or exchange Tobacco Products.
6. Possessing, purchasing, consuming, using, selling, distributing, or exchanging or attempting to possess, purchase, consume, use, sell distribute or exchange, or being under the influence of Illegal Substances.
7. Discrimination as defined by this Code.
8. Hazing as defined by this Code.
9. Using vulgar or abusive language, cursing or swearing.
10. Gambling.
11. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
12. Initiating a report, warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
13. Cyberbullying, as defined by this Code, which may include but is not limited to the use of text messaging, email, instant messaging, chat rooms, websites, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
14. Harassment and/or Bullying as defined in this Code.

F. 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. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Prohibited behaviors include but are not limited to excessive noise, pushing, shoving and fighting will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the district's code of conduct.

G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.

5. Using any academic work in part or in total created by Artificial Intelligence ("AI") software, when not expressly consented to or authorized by the classroom teacher and passing it off as your own.
6. Assisting another student in any of the above actions.

VIII. Dignity for All Students Act (DASA)

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

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

The District has designated Joseph Keeney as Dignity Act Coordinator (DAC). He can be reached by phone at 315-483-5208 or by email at jkeeney@soduscsd.org.

The Dignity Act Coordinator is trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), and sex. He is available to speak with any person who has witnessed possible harassment/bullying and/or discrimination, or if that person has experienced treatment that may be prohibited harassment/bullying and/or discrimination.

The District provides a procedure for responding to reports of possible harassment/bullying and/or discrimination against students by another student, an employee, or any other person on school property or at a school function.

The school principal or their designee, are responsible for receiving reports of alleged acts of harassment/bullying and/or discrimination. The principal, Superintendent or the principal's or Superintendent's designee may lead the thorough investigation of all reports of harassment/bullying and/or discrimination. In the event that the principal is the alleged offender, the report will be directed to the Superintendent. The school district will take prompt action to investigate any alleged act of harassment/bullying and/or discrimination, from reports received, whether written or orally reported, and will take steps necessary to protect the student from any further harassment/bullying and/or discrimination.

If a student witnesses or is the subject of harassment/bullying and/or discrimination, or is aware of any such acts, they should immediately report the incident to any staff member or administrator. The staff member and/or administrator shall document and take appropriate

actions to address the occurrence and promptly report to the building principal or their designee.

When an alleged incident of harassment/bullying and/or discrimination is reported to or witnessed by a staff member, the staff member must take prompt action, notifying the building principal, or his/her designee no later than one school day after the staff member receives or is witness to the incident. The staff member must then file a written report to the building principal or their designee no later than two school days after making the oral report.

The school principal or their designee will lead or supervise an investigation of the alleged incident of harassment/bullying and/or discrimination. The building principal or their designee shall ensure that the investigation is undertaken promptly, treated as confidential, and follows the procedures set forth in the Code of Conduct.

If the investigation determines that a material incident of harassment/bullying and/or discrimination has occurred, steps will be taken as warranted to:

- Ensure the safety of the student.
- Eliminate the hostile environment where the harassment/bullying and/or discrimination occurred.
- Follow up to ensure the interventions put in place eliminated the harassment/bullying and/or discrimination, including retaliation.
- Work to create a more positive school culture and climate.

With respect to such acts of harassment/bullying against students by students, The District will incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of this Code.

The Principal, Superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believes that any harassment, bullying or discrimination constitutes criminal conduct. The Principal or the Principal’s designee shall provide a regular report, at least once during each school year, on data and trends relating to harassment, bullying and/or discrimination to the Superintendent of schools.

Retaliation against any individual who, in good faith, reports or assists in the investigation or harassment, bullying, and/or discrimination shall be prohibited.

IX. Reporting Violations of the Code of Conduct

Any student observing a student possessing a Weapon, Tobacco Product or Illegal Substance on school property or at a school function shall report this information immediately to a teacher, the Building Principal or the Superintendent. Any Weapons, or Illegal Substances

found shall be confiscated immediately. The parent of the student will be notified. The appropriate disciplinary action will be taken, up to and including permanent suspension and referral for prosecution.

The Building Principal 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 learns of the violation. The notification may be made by telephone, followed by a letter mailed on the 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.

X. Disciplinary Procedures and Penalties

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, the district reserves the right to impose any level of discipline, even for a first offense, that is consistent with the severity of the offense.

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. 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 with one another. The school personnel identified after each penalty are authorized to impose the penalty, consistent with the student's right to due process.

1. Verbal warning – Any Member of the District Staff
2. Written warning – Bus Driver, Teacher aides and assistants, Teachers, Principal,

Administrators, Superintendent

3. Written notification to parent – Bus Driver, Teacher aides and assistants, Teacher, Principal, Administrators, Superintendent
4. Restitution - Principal, Administrators, Superintendent
5. Confiscation of electronic devices – **Any school staff member**
6. Detention – Teachers, Principal, Superintendent
7. Suspension from transportation – Director of Special Education, Principal, Superintendent
8. Suspension from athletic participation – Athletic Director, Principal, Superintendent
9. Suspension from social or extracurricular activities – Principal, Superintendent
10. Suspension from other privileges – Principal, Superintendent
11. In-school suspension – Principal, Superintendent
12. Removal from classroom by teacher – Teachers, Principal, Superintendent
13. Short-term (five days or less) suspension from school – Principal, Superintendent
14. Long-term (more than five days) suspension from school –Superintendent
15. Permanent suspension from school – Superintendent, Board of Education

B. Procedures

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed and must investigate 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 a verbal warning, written warning, written notification to their parents or detention are entitled to additional right 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 and the student's parent shall be notified to confirm that there is not parental objection to the penalty 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 or Administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal, Administrator or the Superintendent. 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 in not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal

conference with the Building Principal or Administrator to discuss the conduct and the penalty involved.

Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

3. Suspension from athletic participation, extracurricular 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 student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

   The Board recognizes that the school 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." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school district designated for such a suspension where students will receive substantially equivalent, alternative education.

   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 Removal of Disruptive Students

   A disruptive student 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 a classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the administrator's office or building time out room for a designated amount of time just for that day; (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 the purposes of this code.

   On occasion, a student's behavior may become disruptive. For the purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference

with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a student from class for up to two days (this includes the day of removal) if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established referral form and meet with the Principal or principal's designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal or principal's 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 principal's designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the Teacher and the Principal or another district administrator designated by the Principal shall notify the student's parent, in writing, that the student has been removed from the class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonable calculated to assure receipt of the notice within 24-hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The Principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

Removal of a student with a disability may, under certain circumstances, 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.

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

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

a. Short Term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from the 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 parent 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 to the academic process. If the student's presence does pose such a danger or threat of distraction, 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.

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 decision, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 calendar days of the date of the Superintendent's decision. The Board will not convene to consider and decide an appeal unless the full record of the appeal had been complied and provided to the Board in a reasonable amount of time prior to the next scheduled Board of Education meeting, in order to give the Board members a reasonable amount of time prior to the next Board meeting, then the appeal will not be considered and decided at that meeting. It will instead be considered at a later, regularly scheduled Board meeting. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

In lieu of a Superintendent's Hearing, a parent may agree to a Principal's Agreement. This agreement specifies a penalty and provides opportunities for students to reenter school earlier if certain conditions are met. The principal will offer this option to parents.

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 subjected 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.

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.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.
Any student, other than a student with a disability, who engages in conduct which results

in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, will be suspended from school for at least two days. The Superintendent has the authority to modify the minimum two-day suspension on a case-by-case basis.

D. Referrals

1. Counseling/Human Service Agencies
   The Guidance office shall handle all referrals of students to counseling.

   When any student is beyond the scope of the District's resources, a referral to appropriate human service agencies may be made All administrators, faculty, pupil services personnel, and other support staff will be responsible for communicating the need for such referrals to the principal or their designee.

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.

3. Juvenile Delinquents and Juvenile Offenders

   Students who have brought a "weapon" or "firearm" (as defined in 18 U.S.C. §930(g)2) and 18 U.S.C. §921, respectively the Gun Free Schools Act) to school will be referred by the Superintendent to either a presentment agency (the agency with the authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows:
   1. A student who is under the age of sixteen (16) and who is not fourteen (14) or fifteen (15) who qualified for juvenile offender status under Criminal Procedure Law §1.20(42) will be referred to a presentment agency for juvenile delinquency proceedings;
   2. A student who is sixteen (16) years old or older or who is fourteen (14) or fifteen (15) and qualified for juvenile offender status, will be referred to the appropriate law enforcement authorities.

XI. Alternative Instruction

When a teacher removes a student of any age from a class 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. In addition, alternative instruction will be made available to any student over the compulsory attendance age that presents a sincere desire to complete his/her high school education.

XII. Discipline of Students with Disabilities

The Board of Education 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/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 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 delegated the authority to suspend students 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 suspension 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.

The following definitions apply only to this section of the Code.

(1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which include "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, 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 of any other federal law.

(4) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule.

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
   a. for more than 10 consecutive school days; or
   b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

   However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if

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

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

1. The district's Committee on Special Education shall:

   a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

      If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

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

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

   a. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

   b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had

knowledge the student was a student with a disability, the district either:

(1) conducted an individual evaluation and determined that the student is not a student with a disability, or

(2) 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 of Education shall accompany the notice of disciplinary removal.

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

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

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

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the

Commissioner of Education incorporated into this policy.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

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

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

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

      (2) If school personnel 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.

      (3) 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 which a crime is reported.

XIII. 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.

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 a place of work and learning, however, certain limits must be set for such visits. The Building Principal or principal's 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, be cleared via the Raptor System, and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the 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) and obtain the permission of the Principal or principal's designee, 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. 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.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property. As appropriate, the District's Yellow/Red Card Zone procedures will be in effect.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so. **(Red)**
2. Intentionally damage, remove, or destroy district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson. **(Yellow or Red)**
3. Disrupt the orderly conduct of classes, school programs or other school activities. **(Yellow or Red)**
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program. **(Yellow or Red)**
5. Intimidate, bully, harass, or discriminate against any person on the basis of race, color, creed, nationality, religion, age, sex, sexual orientation or disability or other legally protected status. **(Red)**
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed. **(Yellow or Red)**
7. Obstruct the free movement of any person in any place to which this code applies. **(Yellow or Red)**
8. Violate the traffic laws, parking regulations or other restrictions on vehicles. **(Yellow or Red)**
9. Possess, purchase, consume, use, sell, distribute, or exchange or attempting to possess, purchase, consume, use, sell distribute or exchange Tobacco Products on school property or at a school function. **(Red)**
10. Possess, consume, sell, distribute or exchange, or attempting to possess, purchase, consume, use, sell distribute or exchange, or being under the influence of (whether or not specifically illegal or labeled for human consumption), or be under the influence of Illegal Substances on school property or at a school function. **(Red)**
11. Possess or use Weapons, in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district. **(Yellow or Red)**

12. Loiter on or about school property. **(Yellow or Red)**
13. Gamble on school property or at school functions. **(Yellow or Red)**
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties. **(Yellow or Red)**
15. Willfully incite others to commit any of the acts prohibited by this code. **(Yellow or Red)**
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function. **(Yellow or Red)**
17. Pet owners are responsible to make sure animals do not urinate, defecate or commit any nuisance upon any playground, athletic field or other student-occupied area. Should an accident occur the pet owner is personally responsible for any and all cleanup. **(Yellow or Red)**
18. Use profanity or any form of vulgar language. **(Yellow)**
19. Use negative remarks to/about officials, players, coaches, or other spectators. **(Yellow)**
20. Display actions of poor sportsmanship. **(Yellow)**

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 immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. For purposes of community events, including interscholastic competition, the designated Yellow/Red Card Zone procedures shall be followed.

C. Enforcement

The building principal or his/her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his/her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official 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 designated school official 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.

This enforcement may come in the form of a "yellow or red card" which will alert the individual of consequences or possible actions if conduct does not improve. 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

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the code of conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.