



UNIFIED CODE OF CONDUCT

Public Hearing: September 24, 2019
Board of Education Adoption: December 10, 2019

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CODE OF CONDUCT

5300.05 INTRODUCTION

It is the Board of Education's responsibility to establish a Code of Conduct ("Code") which encourages and fosters the development of positive behaviors on the part of each student. The Code recognizes that schools are public places that must balance individual rights with civic obligations and the responsibilities that make it possible to live in a free, open, and democratic society. We are dedicated to creating an environment that promotes student success, balanced with student rights and responsibilities. Students have the right to a safe and equitable education that meets their individual needs. Students share in the responsibility of establishing and maintaining a safe school environment.

We believe that every person has intrinsic value, deserves to be treated with respect, is capable of changing and growing, and is inherently motivated to learn. We also believe that learning occurs best within a participatory learning community with students actively engaged in their own learning and interacting with their fellow students, and that learning should not only build capacity for the future, but should address current problems and challenges facing individuals and society.

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

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

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

“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/gender identity or expression, or sex.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. (Education Law §3214(2-a)(b)).

“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.

“Electronic cigarette” or “e-cigarette” means an electronic device that delivers vapor which is inhaled by an individual user (including vaporizers, vapor pipes, and vape pens), and shall include any refill, cartridge and any other component of such a device. (Public Health Law §1399-aa)

“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 (Education Law §§11[4] and 1125[3]).

“Firearms” is defined under the Gun Free Schools Act as the following:

- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any weapon described above.
- Any firearm muffler or firearm silencer.
- Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
- Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter

- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
- The definition does not apply to a firearm lawfully stored inside a locked vehicle on school property, or if it is for activities that are school approved and authorized and the district has appropriate safeguards to ensure student safety

(NY Educ. Law § 3214(3)(d)(3)(ii))

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

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Everyone has a gender identity.

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that:

1. 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
2. reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. 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 purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

“Cyberbullying” means harassment/bullying, as defined above, through any form of electronic communication. (Education Law §11[8])

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

“Restorative Practices” are approaches to dealing with violations of the Code of Conduct which enable those who have been harmed to convey the impact of the harm to those responsible, and for those responsible to hold them accountable by acknowledging this impact and taking steps to repair the relationship or correct the situation.

“School Bus” means every motor vehicle owned by a public or governmental agency or private school 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 (Education Law §11[1] and Vehicle and Traffic Law §142).

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §2801(1); §11[1] and Vehicle and Traffic Law §142).

"School function" means any school-sponsored extra-curricular event or activity. (Education Law §2801(1); §11[2])

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality. (Education Law §11[5]).

"Violent student" means an elementary or secondary student under twenty-one years of age who:

1. commits an act of violence upon a teacher, administrator or other school employee;
2. commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
3. possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
5. threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
6. knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
7. knowingly and intentionally damages or destroys school district property.

"Weapon" means any other gun, BB 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 cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. (Education Law §3214(3)(c)(1)).

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

- To be treated with fairness, dignity, and respect;
- To be seen, heard, and known;
- To be included;
- To access a sound, quality education in a school environment that is safe, respectful, and promotes learning;
- To be treated equitably with respect to all district activities, without regard to race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or gender/gender identity or expression, or disability;
- To be protected from intimidation, harassment, bullying, or discrimination in accordance with the Dignity for All Students Act (“DASA”) See Education Law 12[1]
- To be afforded due process; and
- To access district policy and rules at any time and to receive an explanation of those policies or rules from school personnel.

B. Student Responsibilities

All district students have a responsibility to:

1. To be a thinker.
2. Attend school regularly[1], be on time, be prepared to learn, and to be focused and engaged in learning;
3. Accept direction, requests, feedback, and support with respect from adults;
4. Accept direction, requests, feedback, and support given in a respectful manner by teachers, administrators, and other school personnel;
5. Demonstrate self-discipline by making responsible behavioral and academic choices;
6. Do homework;
7. Be familiar with and abide by district rules and policies, and meet expectations of behavior summarized in the Code of Conduct;
8. Accept responsibility for one’s actions, as well as the consequences for those actions when school rules are violated or when expectations of behavior are not met;
9. Make an effort to improve behavior through restorative interventions, including:
 - a. Working to develop mechanisms to manage anger;
 - b. Asking questions when one does not understand;
10. Seeking help when resolving disputes or solving problems; and
11. Conduct oneself as a representative 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.

In addition, all district students have the responsibility to:

1. Treat others the way that one would want to be treated;
2. Express one's thoughts and opinions in a respectful manner;
3. Listen when others are speaking;
4. Respect others' personal space and keeping one's hands to oneself;
5. Work cooperatively with others in both large and small groups;
6. Act with kindness, care, and sensitivity towards others;
7. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
8. Seek help and guidance or assistance when one needed and to help resolve conflicts and differences;
9. Take care of property that belongs to other students, adults, or the school; and
10. Help to make the school a safe community, free from violence, intimidation, bullying, harassment, and discrimination.

5300.20**RIGHTS AND EXPECTATIONS OF ESSENTIAL PARTNERS****A. Parents/Guardians**

All parents/guardians have a right to:

1. Be actively involved in their children's education.
2. Be treated courteously, fairly, and respectfully by all school staff and administrators.
3. Receive timely information about the policies of the Board of Education and procedures relating to their children's education.
4. Receive regular reports, written or oral, from school staff regarding the academic progress and behavior of their children, including, but not limited to, report cards, behavior progress reports, and conferences.
5. Receive information and prompt notification of inappropriate or disruptive behaviors of their children, as well as any disciplinary actions resulting from those behaviors that were taken by principals or school staff.
6. Receive information and prompt notification about incidents that may affect their children.
7. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.
8. Receive information from school staff about ways to improve their children's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs, and mental health services within the District and community.
9. Receive notification from the principal, principal's designee, and/or their child's teachers in the event that the child engages in inappropriate, unacceptable, or unskillful behaviors at school.
10. Be contacted immediately and directly when a student is believed to have committed a crime and police are summoned.
11. Request a mediated conference with the parent/guardian of a student who has physically harmed their child.
12. Receive communication through requested translators when possible.
13. File a complaint where there has been a violation or misapplication of a written provision of school policy

All parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of parents/guardians and the school community and collaborate with the district to optimize their child's educational opportunities. Parents/guardians are expected to work with principals and school staff to address academic or behavioral problems that their children may experience.
2. Inform school officials of changes in the home situation that may affect student conduct or performance.
3. Communicate any concerns or complaints with school officials in a respectful and timely manner.
4. Send their children to school ready to participate and learn.
5. Ensure their children attend school regularly and on time.
6. Ensure absences are excused.
7. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
8. Help their children understand that in a democratic society appropriate rules are required to maintain a safe environment.
9. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
10. Convey to their children a supportive attitude toward education.
11. Build positive, constructive relationships with teachers, other parents/guardians and their children's friends.

12. Be respectful and courteous to teachers, staff, other parents/guardians, and students while on school property
13. Communicate with their children that all children have the right to attend school and be treated with respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex in order to strengthen the child's confidence and promote learning
14. Help their children deal effectively with peer pressure.
15. Provide a place for study and encourage their children to complete their homework, which can include:
 - a. Asking children about homework;
 - b. Checking homework;
 - c. Creating and maintaining an area for children to do their homework with interruption.

B. Teachers

All district teachers 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 expression, or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be respectful and courteous to students, parents/guardians, and serve as a role model for students.
3. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.
4. Demonstrate interest in teaching and be prepared to teach.
5. Demonstrate concern for student achievement.
6. Know school policies and rules, and enforce them in a fair and consistent manner.
7. Maintain confidentiality in conformity with federal and state law.
8. Communicate to students and parents/guardians:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
9. Communicate regularly with students, parents/guardians and other teachers concerning growth and achievement, including:
 - a. Creating meaningful opportunities for parent or guardian participation
 - b. Providing regular communication in a language that is understandable by the parent or guardian
 - c. Responding to complaints or concerns from students and parents/guardians in a timely manner in understandable language
 - d. Providing alternative education and makeup work for students with lawful absences, including those students absent for disciplinary reasons
 - e. Putting forth their best effort to attempt to resolve conflicts with families
10. Referring students to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
11. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.

12. Address issues of discrimination or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function, and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner..
13. Address personal and professional biases that may prevent equal treatment of all students, parents/guardians, other personnel and the community.

C. School Counselors

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 expression, or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher / student / counselor conferences and parent / teacher / student / counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function, and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the counselor, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner.
11. Address personal and professional biases that may prevent equal treatment of all students parents/guardians, other personnel and the community.

D. Other School Personnel

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 expression, or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, affirming environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function, and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the staff member, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner.
7. Address personal and professional biases that may prevent equal treatment of all students parents/guardians, other personnel and the community

E. Principals/Administrators

1. Promote a safe, affirming and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Ensure the protection of legal rights of students with disabilities.
7. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
8. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the principal/administrator, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner.
11. Address personal and professional biases that may prevent equal treatment of all students and staff, parents/guardians, other personnel and the community.

F. The Dignity Act Coordinator(s)

1. Promote a safe, affirming and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying-prevention efforts.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate training in support of the bullying-prevention efforts.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying-prevention efforts.
6. Address issues of discrimination or harassment or any situation that threatens the emotional or physical health or safety of any student.
7. Address personal and professional biases that may prevent equal treatment of all students parents/guardians, other personnel and the community

G. Superintendent

1. Promote a safe, affirming and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex. This includes addressing all areas of school-related safety concerns.
2. Inform the community, students, parents/guardians, school staff, principals, and Board about policies of the Board of Education, as well as educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.

5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in upholding the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Take appropriate measures where violations of the Code of Conduct occur.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function, and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the Superintendent, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner.
10. Address personal and professional biases that may prevent equal treatment of all students, parents/guardians, other personnel and the community.

H. Board of Education

1. Promote a safe, affirming and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or expression, or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with students, teachers, administrators, and parent organizations, 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.
5. 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.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function, and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the Board Member, to the building administrator who is acting as the Dignity Act Coordinator, in a timely manner.
8. Address personal and educational biases that may prevent equal treatment of all students and staff, parents/guardians, other personnel and the community.

5300.25 STUDENT DRESS CODE

All students are expected to dress appropriately for school and school functions in clothes that promote a safe learning environment. Clothing that creates a disruptive environment or causes a health or safety hazard are neither appropriate nor acceptable at school. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The Superintendent, building principal, or designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. In addition, the Superintendent, building principals, and other designated administrators have the authority to require a student to change their attire should it be deemed inappropriate according to the following guidelines:

Students may not wear clothing or accessories that:

- Bear an expression or insignia that is obscene, lewd, vulgar or libelous, promotes alcohol or drug use, or which advocates unlawful violence or prejudice;
- Are extremely brief or otherwise revealing to the point where the educational process is disrupted.
- Obscure or hide the face (e.g., sunglasses, masks, bandana, scarf and/or safety tape);
- Does not fit appropriately such that it may cause injury;
- Disrupts the educational process.

In addition, since footwear is required to promote health and safety of students, students must wear footwear at all times in the school building. The Board also requires students to wear protective gear in certain classes.

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 may be deemed to have violated this code of conduct.

Students or parents/guardians may contact school administration regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. The opt-out provision must be discussed with building principal, central office and the parents or guardians. If the school administration denies the request for opt-out, the applicant may appeal the denial to the Superintendent or his/her designee within five school days. If the Superintendent or his /her designee denies the request, the applicant may appeal the denial to the Board of Education within five days of the Superintendent's written denial. The decision of the Board will be final.

5300.30 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 educating students so that they may grow in self-discipline. The Ithaca City School District, in an effort to fulfill these expectations, will implement restorative practices.

The Board of Education supports the model of Restorative Practices which is the process of restoring and developing social capital, social discipline, emotional wellbeing and civic participation through participatory learning and decision-making.

The underlying premise of restorative practices is simple: we are happier, more productive and cooperative, and more likely to make positive changes in our behavior when those in positions of authority do things with us, rather than to us or for us. Restorative practice encourages democratic participation and responsive leadership.

The Code is designed to set forth standards and expectations for behavior. 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 Code applies to incidents that occur in school or on school property before, during, and after school hours, while traveling in District vehicles, at all school-sponsored events (regardless of location), at non-school events when the behavior is shown to negatively affect the educational process, or endanger the health, safety, morals, or welfare of the school community. If the misconduct involves communication, gestures or expressive behavior, the behavior violation applies to oral, written, or electronic communications, including but not limited to, texting, emailing, and social networking. 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, are unable or unwilling to participate in restorative practices, and who violate these school rules will be required to accept the consequences for their conduct.

In determining disciplinary responses, the school officials should consider the following facts prior to determining the appropriate assignment of consequences and interventions:

- Age and maturity of student
- Student's disciplinary record (nature of prior misconduct, number of prior instances of misconduct)
- Disciplinary consequences and interventions applied in prior behavior violations
- Nature, severity, and scope of behavior at issue
- Circumstances or context in which the conduct occurred
- Frequency and duration of behavior
- Student's IEP, BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable
- Student's response to intervention

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

A. Engage in **conduct that is disorderly and/or disruptive**. Examples of disorderly and/or disruptive conduct include, but are not limited to:

1. Running in hallways;
2. Making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar or abusive;
4. Obstructing vehicular or pedestrian traffic;
5. Engaging in any willful act which disrupts the normal operation of the school community;
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy;
8. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students;
9. Inappropriate public sexual contact; or
10. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
2. Lateness for, missing or leaving school without permission; or
3. Skipping detention

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so;
2. Committing or attempting to commit 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. 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;
5. Threatening to use any weapon;
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson; or
7. Intentionally damaging or destroying school district property.

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

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury;
2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function;
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender/gender identity or expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others;
5. Harassment or Bullying (including cyberbullying), which is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.);
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition);
8. Selling, using, distributing or possessing obscene material;
9. Using vulgar or abusive language, cursing or swearing;
10. Possession or use of a cigarette, cigar, pipe, chewing or smokeless tobacco, an electronic cigarette or e-cigarette, or "vaping" paraphernalia;
11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption;
12. Inappropriately using or sharing prescription and over-the-counter drugs;
13. Gambling;
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner; or
15. Causing a fire alarm or other disaster alarm—including 911—to be activated knowing there is no danger or, through false reporting of a fire or disaster, or discharging a fire extinguisher.

E. 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. Excessive noise, pushing, shoving and fighting will not be tolerated.

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

1. Plagiarism;
2. Cheating;

3. Copying;
4. Altering records;
5. Assisting another student in any of the above actions.

G. Engage in **off-campus misconduct** that interferes with, or can reasonably be expected to substantially disrupt, the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

5300.35 REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, Building Principal or designee. Any student observing a student possessing a weapon, firearm, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, Principal, Principal's designee, or the Superintendent of Schools.

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

Any weapon, firearm, 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.

The Principal or 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 designee learns of the violation. The notification may be made by telephone, followed by written notification 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.

5300.40 DISCIPLINARY PROCESSES, PROCEDURES AND REFERRALS¹

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. Staff responsible for discipline will take measures to investigate, determine responsibility and assist students in making amends for their behavior, and then apply appropriate disciplinary measures.

We believe that the use of out-of-school suspension as a response to challenging behavior does not improve school climate or outcomes for students. Students are more likely to do the right thing when:

1. They understand the behaviors that are expected of them;
2. They feel that staff members care about them and will help them learn and grow;
3. All school staff consistently use shared language and practices; and
4. All school staff provide recognition and feedback for behaving appropriately, making their best effort, and completing high quality work.

Building administrators will determine if students who have violated the code of conduct are offered the opportunity to participate in restorative measures. Restorative measures assist the responsible student(s) to:

- Restore their relationship to the affected person(s);
- Restore their relationship to the school community;
- Make progress in personally assuming responsibility for their actions;
- Make amends for their actions;
- Reduce the likelihood of repeating the behavior;
- Increase empathy for and understanding of the affected persons.

Teachers will promote restorative practices in their classrooms, which will continue to promote a respectful learning environment. Restorative practices implemented may include:

- Positive directives that state expectations;
- Positive and specific feedback;
- Increased teacher proximity;
- Reminders and re-direction;
- "Reset Pass";
- Use of restorative questions;
- Increased opportunity to respond during instruction/engagement;
- Re-teaching and rehearsing of skill or procedure.

Disciplinary action, when necessary, will be fair, consistent and equitable so as to be 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 which led to the offense;
3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents/guardians, 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 their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Restorative Practice Measures and Disciplinary Consequences

Students who are offered and agree to engage in restorative practice may participate on a voluntary basis in one or more of the following measures:

1. Counseling
2. Conferencing (Student/Teacher)
3. Conferencing (Family)
4. Check-in plans (classroom or with school building staff)
5. Phone call home
6. Reflection activity
7. Self-assignment of restrictions or removal from activities
8. Mediation (offender and harmed person(s))
9. Group mediation (offender, harmed person(s), supporters)
10. Reading assignment and reflective paper
11. Research assignment on relevant topic
12. Apology – oral or written
13. Behavioral contract
14. Community service to school
15. Producing informative materials relevant to the offense
16. Cleaning up
17. Payment of damages and/or repairing damage.

Students who are found to have violated the district's code of conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, Principal/Administrators, Superintendent
3. Verbal notification to parent – bus driver, hall and lunch monitors, coaches, school counselors, teachers, Principal/Administrators, Superintendent
4. Written notification to parent – bus driver, hall and lunch monitors, coaches, school counselors, teachers, Principal/Administrators, Superintendent
5. Detention – teachers, Principal/Administrators, Superintendent
6. Suspension from transportation – Director of Transportation, Principal/Administrators, Superintendent
7. Suspension from athletic participation – coaches, Principal/Administrators, Superintendent

8. Suspension from social or extracurricular activities – Activity Director, Principal/Administrators, Superintendent
9. Suspension of other privileges – Principal/Administrators, Superintendent
10. In-school suspension/intensive study services – Principal/Administrators, Superintendent
11. Removal from classroom by teacher – teachers, Principal/Administrators
12. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
13. Long-term (more than five days) suspension from school –Superintendent, Board
14. Permanent suspension from school – Superintendent, Board
15. Referral to law enforcement

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty. 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/guardians 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 during school (e.g., lunch), and after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

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

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

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

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

A student subjected to a suspension from athletic participation, extra-curricular 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 to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension 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 their 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 administrator's office for the remainder of the class time only; or (4) sending a student to a school counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from

the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that they have the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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/guardians.

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/guardians a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

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

- (1) The charges against the student are not supported by substantial evidence.
- (2) The student's removal is otherwise in violation of law, including the district's code of conduct.
- (3) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until they are 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 their class. The Principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from their class until they have 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, 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 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 fewer) 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 fewer 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/guardians 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/guardians. 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/guardians.

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/guardians 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/guardians. At the conference, the parents/guardians 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 disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents/guardians in writing of their decision. The Principal shall advise the parents/guardians 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 **ten (10)** 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/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

B. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents/guardians 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 them and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, at their 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 them. 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, which 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 **thirty (30)** days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

C. Permanent suspension

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

D. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a firearm on school property

Any student, other than a student with a disability, found guilty of bringing a firearm onto school property may be subject to suspension from school for at least one calendar year, unless the Superintendent determines that a lesser suspension is warranted. 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 impose a suspension of less than one calendar year, the Superintendent may consider the following:

1. The student's age;
2. The student's grade in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;
5. Input from parents/guardians, teachers and/or others;
6. Other extenuating circumstances.

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

2. Students who commit violent acts other than bringing or possessing a firearm on school property

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a firearm 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 parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are 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 repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom may 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 trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm.

D. Referrals

1. Counseling

The Student Services Office shall handle all referrals of students to counseling at the secondary level. The Principal's Office shall handle all referrals to counseling at the elementary level.

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 they require supervision and treatment by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
2. 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. Knowingly and unlawfully possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquency 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:

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

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

5300.45 ALTERNATIVE INSTRUCTION

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

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973 enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting* (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable them to continue to participate in the general curriculum and progress toward meeting the goals

set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes 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 a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents/guardians or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability; or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental/Guardian Notification of a Disciplinary Change of Placement

The district will provide the parents/guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if they determine that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability; or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents/guardians.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if

the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which they were removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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 their current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT² AND THE USE OF REASONABLE FORCE

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

Reasonable physical force, however, 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 reasonable physical force with the Commissioner of Education in accordance with Commissioner's regulations.

5300.60 STUDENT SEARCHES AND INTERROGATIONS ³

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.

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A and B, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a person believed to be reliable. Corroboration factors may help establish reliability and validity of information that is provided.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that they possess 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 practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks 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, including school-issued electronic devices. 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 their 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, 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 ***[insert applicable language such as reasonable suspicion or probable cause; or change this section to prohibit strip searches by school officials]*** 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, the quality of the knowledge that lead to the reasonable suspicion and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

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

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

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

E. 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 or is in progress on school property or at a school function.

Before police officials are permitted to question or search any student, the Principal or 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, unless the student is 16 years of age or older. 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; and
3. They may request the presence of an attorney.

F. Child Protective Services Investigations

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

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they 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.

5300.65 VISITORS TO THE SCHOOLS⁴

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or 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 enter through the designated main entrance and report to the main office upon arrival at the school. Visitors must 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. Visitors may be requested to provide photo identification and must return the identification badge to the main office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or community members who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Building Principal. (see policy 5300.64)
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property during school hours will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. Additional steps will be taken 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.

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an engaged and empowered environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to require respectful 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 district recognizes that free inquiry and free expression are indispensable to the objectives of the district. 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 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 manner.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Injure any person or threaten to do so;
2. Damage, deface or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property;
3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate or harass any person;
6. Discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, age, disability, sex, sexual orientation, or gender (including gender identity and expression);
7. Enter any portion of the school premises without authorization, or remain in any building or facility without authorization after it is normally closed;
8. Obstruct the free movement of any person in any place to which this code applies;
9. Violate the traffic laws, parking regulations or other restrictions on vehicles;
10. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of any on school property or at a school function;
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
12. Use cigarettes, any chewing or smokeless tobacco products, synthetic versions or smoking devices in or on school property and vehicles or at a school function including non-school hours.
13. Gamble on school property or at school functions;
14. Refuse to comply with any reasonable order by identifiable school district officials performing their duties;
15. Willfully incite others to commit any of the acts prohibited by this code;

16. 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. 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 visitors refuse to leave, they shall be subject to ejection and may be barred from school or District property for an additional period of time as determined by the Superintendent. In addition, if warranted, the district reserves its right to pursue a civil or criminal legal action against any person violating the code;
2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements;
3. Staff. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights afforded;
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75 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 afforded;
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with their legal rights.

C. Enforcement

The Principal or designee shall be responsible for enforcing the conduct required by this code.

When the 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 designee shall:

1. Inform the individual that he/she is engaging in prohibited conduct;
2. Attempt to persuade the individual to stop the prohibited activity;
3. Warn the individual of the consequence for failing to stop;
4. If the person refuses to cease the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function;
5. If necessary, the principal may contact local law enforcement authorities for assistance.

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The District will ensure that the community is aware of this code of conduct by:

1. Providing copies of a plain language, student age-appropriate summary of the code to all students and parents/guardians at the beginning of each school year and thereafter on request;
2. Reviewing code of conduct expectations at the school level;
3. Posting the complete code of conduct on the district's website;
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption;
5. Providing all new employees with a copy of the current code of conduct when they are first hired;
6. Making copies of the complete code available for review by students, parents/guardians and other community members.

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. Ongoing professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents/guardians, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Adoption date:

¹Ref: Education Law §3214

8 NYCRR §100.2(l)

Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)

Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)

Appeal of Alexander, 36 EDR 160 (1996) (counseling)

Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)

Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)

Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)

Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

²Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

³Ref: *New Jersey v. TLO*, 469 U.S. 325 (1985)
People v. Scott D., 34 NY2d 483 (1974)
Horton v. Goose Creek Independent District, 690 F.2d 470 (1982)
Doe v. Renfrow, 631 F.2d 91, cert. den. 451 US 1022 (1981)
M.M. v. Anker, 477 F.Supp. 837, aff'd. 607 F.2d 589 (2d Cir. 1979)
Bellnier v. Lund, 438 F.Supp. 47 (1977)
US v. Albarado, 495 F.2d 799 (2d Cir. 1974)
In Re Ronald B., 61 AD2d 204 (1978)
People v. Haskins, 48 AD2d 480 (1975)
People v. Overton, 24 NY2d 522 (1967)
Opinion of Counsel, 1 EDR 800 (1959)
Opinion of Counsel, 1 EDR 766 (1952)

⁴Ref: Education Law §§1708; 2801