

Code of Conduct



Green Island Union Free School District

Mission Statement

"Every student will graduate prepared for college, career, and citizenship."

Adopted by the Board of Education on August 2, 2018

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Introduction

The Green Island Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

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

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

This Code of Conduct in compliance with the Schools Against Violence (SAVE) legislation, which took effect on July 1, 2001, and DASA legislation, which took effect in 2012; for all school districts in New York State.

Definitions

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

- **Student** refers to elementary or secondary pupil under the age of 21 enrolled in any GIUFSD academic programs.
- **Disruptive Student** is any elementary or secondary student under the age of 21, who is substantially disruptive of the educational process or substantially interferes with teacher authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrate a persistent unwillingness to comply with the teachers’ instructions or repeatedly violates the teacher’s rules for classroom behavior.
- **Parent** means parent, guardian or person who is legally responsible for in parental relation to a student under the age of 21.
- **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, as defined in Vehicle and Traffic Law S 142.
- **Cyber bullying** shall mean harassment or bullying that occurs through any form of electronic communications.

- **Directory Information** is defined as information not generally considered harmful or an invasion of privacy if disclosed.
- **Hazing** shall mean a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:
 - Humiliation: socially offensive, isolating or uncooperative behaviors.
 - Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
 - Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.
- **Gender** means actual or perceived sex and shall include a person's gender identity or expression.
- **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 one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- **Harassment and Bullying** shall mean the creation of a hostile environment by conduct or threats, intimidation or abuse, including cyber-bullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.
- **Sexual orientation** means actual or perceived heterosexuality, homosexuality or bisexuality.
- **School function** refers to a school sponsored extracurricular event or activity regardless of wherever such event or activity takes place, including any event or activity that may take place in another state.
- **Violent student** means a student who is under the age of 21 and:
 - Commits an act of violence upon a school employee or attempts to do so.
 - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
 - Possesses, while on school property or at a school function, a weapon.
 - Displays, while on school property or at a school function, what appears to be a weapon.

- Threatens, while on school property, or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

Any bomb threat made in NYS is considered a felony and will be treated accordingly.

- **Weapon** means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, 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.
- **Insubordination** means failing to comply with the reasonable request or lawful directions of a teacher, school administrator, or other school employee in charge of the student.
- **Loitering** means presence in an unsupervised setting while on school property or on a school-sponsored trip.

Student Bill of Rights

Student Rights

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

- Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, religious practice, weight, ethnic group, gender, sexual orientation or disability unless suspended from instruction.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Access school policies, regulations and rules when necessary receive an explanation of those rules from school personnel.

Student Responsibilities

All district students have the responsibility to:

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

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

Rules Relating to Probation & Suspension from Extracurricular Activities and Sports

Sports

Please see [The Athletic Handbook](#) for specific rules regarding participation in interscholastic sports. A copy of the Athletic Handbook is available on the school district's website.

Extracurricular Activities

Participation in extracurricular activities is considered a privilege. Students who participate in extracurricular activities are required to adhere all standards of behavior as outlined in the Code of Conduct. Failure to do so may result in their removal and or exclusion from extracurricular activities.

Electronic Devices

Examples of electronic devices include, but are not limited to, headphones, cell phones, portable music devices, portable video devices, portable video games, personal digital assistants, and personal computers.

Devices can be approved by faculty/staff members for instructional purposes to be used in class. All students may use electronic devices in the cafeteria during their lunch period. Student privilege card holders may also use them in designated areas.

Consequences for Violating the Electronic Devices Policy

Students using an unapproved electronic device during the school day may have the device confiscated. Students using approved electronic devices in a disruptive way may also have their device confiscated. The device will be available for pick up by the student after the school day has ended; the devices will be held in the main office.

In instances where a student has had a device confiscated more than once, a parent/guardian may be required to pick up the device from the detention monitor on the day the confiscation occurs or from the main office.

Students who are observed using any electronic device at any time in a disruptive way, but refuse to relinquish it to a faculty or staff member, may be subject to further disciplinary action, including, but not limited to: detention, in school suspension, or external suspension.

On the third and subsequent instances of the device being confiscated, the student will be given an after school detention in addition to the parent/guardian having to pick up the phone in the main office.

Students who have a device confiscated, can request, and shall be granted the opportunity to lock the device, or remove the battery, prior to turning it over to a school official.

District Internet Policy

See the District's Technology Plan and Acceptable Use Policy for Computer and Network use in the GIUFSD. An electronic version of this policy is located on the GIUFSD's website.

Release of Students

A written note is needed when a student is to be released early from school. The written note must be handed in to the Main Office when the student reports to school. In order for a student to be dismissed early, the student must be picked up in the Main Office by a parent or guardian. The parent or guardian will be required to sign the student out of school upon dismissal. The written notifications will be filed in the main office.

GIUFSD may release students from school to someone other than the student's parent only if the identity of the person requesting the release is verified against a list of names provided by the student's parent or person in parental relation at the time of the child's enrollment in the school. If someone whose name is not on the list attempts to obtain the release of a student, that student may not be released, except in the case of an emergency as determined in the sole discretion of the school's administration or his or her designee.

A school can release a student to someone whose name is not on a list previously provided by the student's parent or person in parental relation only in case of an emergency. NO situation will be deemed an emergency until the school's administration or his or her designee verifies the facts of the situation, contacts the student's parent or person in parental relation agrees to the release. This procedure, however, does not apply to the release of a student under the protective custody provisions of the Social Services Law and Family Court Act.

Alternative Educational Programs

The alternative educational programs may be available to students at Heatly School outside the regular classroom experience include, but are not limited to, the following:

- Alternative Education Program offered through the Capital Region
- BOCES
- Services offered through the Committee on Special Education
- Referral for the High School Equivalence Course and Test
- Summer school

- Work-study programs
- Career Intern Programs

Records

Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over 18 years of age have the right to inspect and review the student's educational records and have the right to request the amendment of the student's education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student's education record, except to the extent that FERPA authorizes disclosure without consent.

More information regarding FERPA rights and procedures is described on the District website, in the Board of Education Policy 5500 and in back-to-school mailings.

School records may be released upon receipt of written authorization by a parent or guardian. Both natural biological parents have access to records unless the school is presented with legal documentation showing that one or both parents do not have custodial rights and therefore should be denied access to records. It is the responsibility of the custodial parent or guardian to present such information to the school.

Directory Information is defined as information not generally considered harmful or an invasion of privacy if disclosed. This information may be disclosed by the School District for a variety of reasons, such as honor roll lists or news releases. If you do not wish any or some of the following categories of directory information to be released, you must inform the school in writing three (3) weeks after your child enrolls in the Green Island Union Free School District. The written request should be turned into the Main Office.

The following is a list of directory information of the Green Island School District:

- Name, address, telephone numbers, and emails
- Field of study or grade
- Uniform Number, Weight and Height of Athletes
- Most recent or previous school attended
- Date and place of birth
- Participation in recognized activities or sports
- Dates of attendance, degrees and awards

Confidentiality

Student records will be maintained by the school district for use by appropriate district personnel in developing the best possible educational program for each student. Parents or legal guardians are entitled to inspect the student's cumulative record. The parent is afforded the opportunity, through a hearing, to challenge the accuracy or content of the child's records. A student over the age of 18 is given the same rights as his/her parents.

Essential Partners

Parents

It is the expectation of the GIUFSD that all parents will:

- Inform the school district if any emergency information changes.
- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school (as required by New York State Law) ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure that absences occur for reasons set forth in the District's Attendance Policy.
- Provide for their children's health
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment.
- Guide their children toward a respect for the law, the authority of the school, and for the rights and property of others.
- Know school rules and help their children understand them.
- Make the children aware of the consequences for any violation of school rules (outlined in this Code) and accept legal responsibility for their children's actions.
- Encourage their children to develop socially acceptable standards of behavior, to exercise self-control, and to be accountable for their actions.
- Convey to their children a supportive attitude toward education and the district.
- Exemplify an enthusiastic and supportive attitude toward school and education by becoming acquainted with their children's school, its staff, curriculum and activities, and their children's friends.
- Attend parent-teacher conferences and school functions.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place at home conducive for study and ensure homework assignments are completed.
- Communicate with the GIUFSD any relevant information which could potentially impact their child's education.

Teachers

All district teachers are expected to:

- Be prepared to teach.

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Educate students in attitudes, habits and standards of conduct, respect and responsibility, which add up to Character Education.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents in writing:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
- Discuss and display expectations for students.
- Develop classroom discipline plans
- Communicate regularly with students, parents, and other teachers concerning growth and achievement
- Keep students on task from the beginning to the end of class
- Use relevant and research based classroom management tools for effective classroom management.
- Work individually with a pupil to achieve desirable conduct.

Teacher's Obligations

A teacher is expected to do all he/she can to establish proper pupil attitudes and conduct before resorting to more serious measures. Each incident of student misbehavior shall be documented by the teacher, or other referring person, on a Student Referral Form, whether or not the teacher requests action on the matter by the administration.

Support Staff Expectations - Guidance Counselor, School Psychologist, and School Social Worker

Members of the support staff are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with college and career planning.
- Encourage students to benefit from the curriculum and extracurricular programs

Dignity Act Coordinator (DASA)

The DASA Coordinator is expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Oversee and coordinate the work of the district-wide and building-level bullying

prevention committees.

- Identify curricular resources that support infusing civility in classroom instruction and classroom management, and provide guidance to staff as to how to access and implement those resources.
- Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
- Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.
- 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.
- Address personal biases that may prevent equal treatment of all students and staff.

Principals

Principals are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances
- Evaluate on a regular basis all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

Superintendent

The Superintendent is expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning
- Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management
- Inform the board about educational trends relating to student discipline
- Work to create instructional programs that minimize problems of Misconduct and are sensitive to student and teacher need
- Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly

Board of Education

The Board of Education is expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.

- 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. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

Guidelines for students in grades K-12

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

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief garments including, but not limited to, short shorts, short skirts, garments, and clothing that reveals underwear, midriff or a portion of the body which underwear should cover are prohibited.
- Wearing of hooded sweatshirts on the head and ears is prohibited.
- Wearing of sunglasses on the head is prohibited.
- Include footwear at all times. Footwear that is a safety hazard will not allowed. During Physical Education classes, all students must wear rubber-soled sneakers and clothing that is safe for the physical activities that they will be participating in.
- The wearing of headwear in the classroom, except for a medical or religious purpose, is prohibited.
- Items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, weight, gender sexual orientation or disability, are prohibited
- Not promote and/or encourage other illegal or violent activities including the use of alcohol and drugs.

*Headphones can only be approved for instructional purposes.

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

Procedures for Non-Compliance of the Student Dress Code

First Offense: The student will obtain appropriate attire from home, school (when available), or borrow from a friend prior to returning to class.

Second Offense: The student will obtain appropriate attire from home, school (when available), or borrow from a friend prior to returning to class. They will receive one detention and an administrator will contact the student's Parent/Guardian.

Third Offense: The student will obtain appropriate attire from home, school (when available), or borrow from a friend prior to returning to class. They will receive 2 detentions and an administrator will contact the student's Parent/Guardian.

Additional Offenses: The student will obtain appropriate attire from home, school (when available), or borrow from a friend prior to returning to class. They will receive one day of internal or external suspension and an administrator will contact the student's Parent/Guardian.

Prohibited Student Conduct

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior.

District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

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

Students may be subject to disciplinary action, up to and including suspension from school, when they engage in conduct that is disorderly, insubordinate, disruptive violent, unsafe or academically dishonest. This includes harassment, bullying, and/or discrimination against any student, by employees, or students that creates a hostile school environment by conduct or threats, intimidation or abuse, including cyberbullying as defined in Education Law section 11(8). Below, examples of such behaviors are outlined.

Examples of disorderly conduct

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act that disrupts the normal operation of the school community.
- Misusing computer/electronic communications misuse, including any unauthorized electronic devices, computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

Examples of insubordinate conduct

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Lateness for, missing or leaving school without permission.
- Skipping detention.
- Engage in conduct that is disruptive.
- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

Examples of violent conduct

- 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.
- 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.
- Displaying what appears to be a weapon.
- Threatening to use any weapon.
- 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.
- Intentionally damaging or destroying school district property.

Examples of unsafe conduct include:

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other personnel lawfully on school property or attending a school function.
- Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manners.
- Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- Bullying, which may be hostile activity that harms or induces fear through the threat of further aggression and/or creates terror.
- Cyber bullying or cyber threats and other inappropriate acts using technology
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- Selling, using or possessing obscene material.
- Using vulgar or abusive language, cursing or swearing.
- Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
- Possessing, consuming, selling, 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 substances commonly referred to as “designer drugs.”

- Inappropriately using or sharing prescription and over-the-counter drugs.
- Gambling.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- Engaging 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

Examples of academic misconduct include:

- Plagiarism.
- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

Reporting Violations

All students are expected to promptly report any violations of the code of conduct that they observe to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal’s designee or the Superintendent.

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as possible but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code

of conduct and constituted a crime.

Reporting Discrimination, Harassment and Bullying

The school principal and DASA coordinator is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyber bullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- Promptly investigated in accordance with the terms of district policy.
- Forwarded to the school building's Dignity Act Coordinator for monitoring.
- Treated as confidential and private to the extent possible within legal constraints.

Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use

disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Penalties

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

- Oral warning – any member of the district staff
- Written warning – coaches, guidance counselor, teachers, principal, superintendent
- Written notification to parent – coaches, guidance counselor, teachers, principal, superintendent
- Detention – teachers, , principal, superintendent
- Suspension from transportation – director of transportation, principal, superintendent
- Suspension from athletic participation – coaches, principal, superintendent
- Suspension from social or extracurricular activities –, principal, superintendent
- Suspension of other privileges –, principal, superintendent
- In-school suspension –principal, superintendent
- Removal from classroom by teacher – teachers, principal
- Short-term (five days or less) suspension from school – principal, superintendent, board of education
- Long-term (more than five days) suspension from school –superintendent and board of education
- Permanent suspension from school – superintendent, board of education

Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student and parent/guardian of the alleged misconduct within 24 hours. Authorized school personnel must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

Detention

Teachers, the principal and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the faculty/ staff member on the bus is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. This includes sports and field trips.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved. 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 S3214. 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.

In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law S3214. 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.

Teacher disciplinary removal of disruptive students

A teacher may remove a student from the classroom for disciplinary and non-disciplinary reasons. Non-disciplinary removal would include a visit to the principal's office, guidance or counselor's office to discuss inappropriate behavior or a "time-out" to enable a student to regain control or composure. A student removed from a classroom for disciplinary reasons shall be placed in an alternative classroom where educational programming shall be provided. A teacher may remove a disruptive student (K –12) from his/her classroom for a time period not to exceed 60 minutes.

In the event a teacher wishes to remove a student from the classroom the student shall be afforded procedural due process as follows:

- The teacher must inform the student that s/he is going to be removed from the classroom
- The teacher must specifically explain to the student why s/he is to be removed.
- The teacher must give the student an opportunity to explain or respond.
- The teacher may then decide to remove the student from the classroom.

A teacher may remove a student who poses a danger or ongoing threat of disruption from his/her classroom immediately. In the event of such removal, the following procedures must be followed within 24 hours of the removal:*

- The teacher must explain to the student why s/he was removed from the classroom.
- The teacher must give the student the opportunity to provide an explanation of the incident(s) that led to the removal.

When a teacher removes a student from the classroom, the teacher must appropriately notify the Principal. The student must be sent to the principal's office or an alternative classroom specifically designated for the purpose of receiving students who have been removed from the class. The teacher must complete the district prescribed student removal form and provide it to the principal of the school as soon as possible but no later than the end of the school day.

As soon as possible and no later than 24 hours after the removal, the Principal must provide telephonic and written notification to the student's parents or guardian of the removal and the circumstances that led to the removal. The notice must inform the parents of their right to request an informal meeting with the Principal to discuss the reasons for the removal. Written notice must be by personal delivery, express mail, or some other means to reasonably ensure parental notification within 24 hours. If requested by the parents, the informal meeting must be held within 48 hours of the removal.*

If the parents agree, the meeting may be held at another mutually convenient time. The Principal may require the teacher who removed the student from the classroom to be present at the informal conference with the parents.

A Principal or designee may overturn a teacher's removal of a student from the classroom upon a finding that:

- The charges against the student are not supported by substantial evidence;
- The removal is in violation of the law or the district's policies, regulations or procedures; or
- The conduct warrants suspension from school pursuant to a superintendent's hearing (Education Law S3214) and such suspension will be imposed.

Such determination may be made at any time from the Principal's receipt of the student removal from to the close of the business day following the 48-hour period for the informal conference.

A disruptive student removed from the classroom by a teacher shall be provided continued educational programming and activities until allowed back into the classroom.

The district shall prescribe forms upon which each teacher shall maintain a record of all cases of removal of a student from his/her classroom and upon which each principal shall maintain a record of each removal of a student from a classroom in the school for which he is responsible.

No teacher may remove a student with a disability from a classroom without first consulting with the Principal or the chair of the committee on special education to ensure that such removal will not constitute a change in placement. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

* Note: If the 24-hour or 48-hour period does not end on a school day, it shall be extended to a corresponding time on the next school day.

Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principal.

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.

Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law S3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice must also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. The notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

Long-term (more than 5 days) suspension from school

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory

record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof. An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

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.

Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law S3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- Other extenuating circumstances.

*A student with a disability may be suspended only in accordance with the requirements of state and federal law. Students who commit violent acts other than bringing a weapon to school any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law S3214(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 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.

Referrals

Counseling

The Social Worker shall handle all referrals of students to counseling.

PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- 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.
- Knowingly and unlawfully possessing marijuana in violation of Penal Law S221.05. A single violation of S221.05 will be a sufficient basis for filing a PINS Petition.

Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court: Any student under the age of 16 who is found to have brought a weapon to school, or any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law S1.20(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.

Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law S3214, the district will take immediate steps to provide alternative means of instruction for the student.

Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. A student with a disability is defined as any student under the age of 21 enrolled in an academic program in the District with an IEP or 504 Plan. The board also

recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.

The Board is committed to ensuring that the procedures followed for suspending removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable federal and state law and regulations.

Authorized Suspensions or Removal of Students With Disabilities

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

- A “suspension” means a suspension pursuant to Education Law S3214.
- A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The superintendent may order the placement of a student with a disability into an IAS, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon

to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- U.S.C. S930(g)(w) 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...(for) a pocket knife with a blade of less than 2 ½ inches in length.”
 - “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

Change of Placement Rule

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- For more than 10 consecutive school days; or
- For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals, if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

Special Rules Regarding the Suspension or Removal of Students with Disabilities

The district's Committee on Special Education shall:

- Conduct functional behavioral assessments to determine why a student engages in particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
- If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
- If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
- Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- Conducted an individual evaluation and determined that the student is not a student with a disability, or
- Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same

disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in a manner prescribed by applicable federal and state law and regulations.

Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

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

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

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by The Commissioner's regulations incorporated into this code, if:

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

- The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
- During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
- If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

Referral to law enforcement and judicial authorities

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

- The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force can not reasonably be used, reasonable physical force may be used to:

- Protect oneself, another student, teacher or any person from physical injury.
- Protect the property of the school or others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education, in accordance with Commissioner's regulations.

Student Searches and Interrogations

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct.

Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, 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 reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Student Lockers, Desks and other School Storage Places

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

Any damage caused to a locker is the responsibility of the student who has been assigned the locker. The student will be required to either repair the locker or be liable for the cost to repair the locker. Parents will be notified. A superintendent's hearing may be necessary if restitution is not made. Locker privileges may be denied a student at any time if, in the judgment of the Superintendent or the Principal, he /she is abusing that privilege. A reimbursable fee of \$25.00 may be imposed upon any student found to have caused damage or left his/her locker in a condition that requires extensive cleaning. The fee may be returned to the student at the end of the school year, following an inspection of the student's locker for damages. Any cost to repair or clean those damages will be deducted from the fee. If, at the end of the school year, a student's locker is found to be damaged or unclean, a fee may be imposed for the following school year.

Documentation of Searches

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

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

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

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:

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

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

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

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

Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews or students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

A child protective services worker may not remove a student from school property without a court order and the Green Island Police presence, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order could 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.

The Principal or his/her designee will maintain appropriate records of all referrals to CPS.

Visitors to the Schools

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible

for all persons in the building and on the grounds.

For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the /Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the /Main Office before leaving the building.
- Visitors attending school functions that are open to the public, public gatherings are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- Teachers are expected not to take class time to discuss individual matters with Visitors.
- Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
* All visitors will not be allowed access to the school building without prior permission from an administrator and/or classroom teacher.

Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

Prohibited Conduct

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school Function.
- 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinances or board policy while on school property or while at a school function.

Penalties

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

- Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law S3020-a or any other legal rights that they may have.
- Staff members in the classified service of the civil service entitled to the protection of Civil Service Law S75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law S75 or any other legal rights that they may have.
- Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may

warrant in accordance with any legal rights they may have.

Enforcement

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

Initiation of a Student Disciplinary Proceeding

Any teacher, administrator, board member, parent, or other person may report a violation of the student disciplinary code to the Principal. The Principal will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Child Study Team or to the Committee on Special Education, as she/he deems necessary.

Discipline Codes for Student Behavior

Level I Infraction: Teacher/Classroom Management

Any misbehavior that represents an infraction of the established procedures that regulate the operation of the school and its educational process is considered a Level I Infraction.

Examples of Level I Infractions:

- Dress Code Violation
- Failure to complete homework
- Inappropriate behavior/tone of come/comments in school; including on the bus, during lunch, and school assemblies, such as:
 - PDA
 - Inappropriate contact
 - Yelling
 - Swearing/Inappropriate language

- Use of unapproved electronic devices or approved electronic devices in a disruptive way, such as, but not limited to:
 - Radios
 - CD players
 - MP3 players
 - Cell phones
 - Video games
 - Pagers
 - Laser Pointers
- Abuse of student privileges
- Minor class disruptions
- Tardiness to class. See School Attendance Policy
- Tardiness to school. See School Attendance Policy
- Unexcused absence/truancy
- Cheating/plagiarism
- Breaking class rules
- Refusal to work
- Loss of/defacing/destruction of school property up to \$20.00
- Failure to report to teacher detention

Level I Range of Consequences

Building Principal or designee may choose one or more of the Level I Consequences.

Examples of Level I Consequences:

- Teacher detention
- Parent contact/conference
- Verbal reprimand
- Confiscation of electronic devices
- Removal, replacement or covering of an item that violates the dress code
- Discipline Referral
- Restitution for damages
- Loss of student privileges
- Lunch Detention
- Recess detention (K-6)

Level II Infraction: Administration

Any misbehavior whose frequency and/or seriousness disrupts the educational process or poses a threat to the health and safety of others is considered a Level II Infraction. These infractions may be reported to the NYS Education Department as violent and disruptive incidents.

Examples of Level II Infractions:

- Recurring or serious Level I Infractions (Up to 3 times within a quarter)
- Harassing /Disruptive/Menacing
- Bullying/Cyberbullying and Cyber threats
- Failure to report to school detention
- Truancy; See Attendance Policy
- Refusal to follow dress code
- Physical altercation without bodily harm

- Inappropriate use of the computer or Internet. See Acceptable Use Policy in the Technology Policy.
- Leaving school property and/or school sponsored event
- Cutting class/leaving class without permission
- Loss of/defacing/destruction of school property between \$20.00-\$100.00
- Gambling
- Insubordination

Level II Range of Consequences

Building Principal or designee may choose one or more of the Level II Consequences.

Examples of Level II Consequences:

- Continuation of Level I Consequences
- In-School Suspension
- Suspension from cafeteria
- Removal from class
- Out-of-School Suspension
- Suspension from transportation
- Loss of computer or Internet privileges
- Restitution
- Principal's Hearing
- Filing of a Person in Need of Supervision (PINS) Petition

Level III Infraction: Administrative

Any misbehavior that poses an immediate threat to the health and safety of self or others in school and may require police intervention is considered a Level III Infraction. These infractions may be reported to the NYS Education Department as violent and disruptive incidents.

Examples of Level III Infractions:

- Recurring or serious Level I Infractions (More than 3 times within a quarter)
- Assault resulting in physical injury/serious physical injury
- Loss of/defacing/destruction of school property more than \$100.00
- Possession, use or threatened use of a weapon
- Possession, use, sale, or distribution of illegal drugs, alcohol, or tobacco, or unauthorized prescription drugs
- Burglary
- Arson
- Bomb threat/false fire alarm/false 911 cal
- Homicide
- Sexual offenses (forcible or other)
- Robbery
- Kidnapping
- Reckless endangerment
- Larceny
- Rioting
- Possession of fireworks
- Extortion
- Hazing

- Trespassing

Level III Range of Consequences

Building Principal or designee may choose one or more of the Level III Consequences.

Examples of Level III Consequences:

- Continuation of Level II Consequences
- In-School Suspension
- Out-of-School Suspension
- Notify the appropriate authorities
- Superintendent's Hearing
- Expulsion from school
- PINS filed for persons under 16 if before the last filing date for schools

Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by any or all of the following:

- Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
- Making copies of the code will be available online and hard copies will be available from the main office to all parents at the beginning of the school year within 30 days of the official adoption by the Board of Education.
- 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. All current teachers and staff members will be provided inservice educational programs to ensure effective implementation of the code of conduct.
- Providing all new employees with a copy of the current code of conduct when they are first hired.
- Making copies of the code available for review by students, parents and other Community members.

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

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.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.