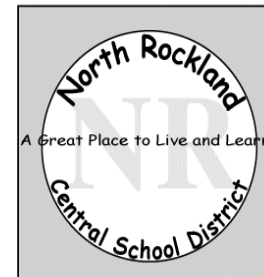


North Rockland Central School District

"A Great Place To Live And Learn"

CODE OF CONDUCT 2011 – 2012



*North Rockland Central School District
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Garnerville, NY 10923*

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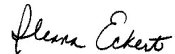
August, 2011

Dear Parents/Guardians,

Providing a safe environment where children can experience academic, social and physical growth to their outmost potential is a priority for the North Rockland Central School District. This past year, we convened a committee to effectuate a complete review and revision of our Code of Conduct. As per Commissioner's Regulations, this new document now approved by our Board of Education is being mailed to each of our families as notice of the District's rules. This Code of Conduct will also be posted on the District's website. On behalf of the Board of Education and myself, I would like to thank and commend the committee of students, parents, teachers, support personnel, administrators and board members who worked so diligently to accomplish this task

In order to ensure a safe and productive year for your child/children and their classmates, please take some time to thoroughly review the Code of Conduct with your child/children. Our common goal is to optimize their time in school with learning opportunities. I trust that we can count on your help as we work collaboratively to promote safe learning environments that foster mutual respect in all of our schools.

Respectfully,



Ileana Eckert
Superintendent of Schools

**HAVERSTRAW-STONY POINT CENTRAL SCHOOL DISTRICT
PROJECT SAVE COMMITTEE
CODE OF CONDUCT**

CODE OF CONDUCT

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I. MEMBERSHIP

- Diane Bane - Elementary Administrator (SPES)/President NRAA
- Robin Brennan – Secondary Teacher (NRHS)/President NRTA
- Peter Eckert - Social Worker (FSS)
- Richard Fernandez – Middle School Parent (FMS)
- Carolyn Fisch - Elementary Teacher (WHES)
- Donna Garrison – Parent Representative Elementary
- Frances Gomez – Parent Representative Grades 8 -9 (FSS)
- Sally Harrison – Central Office Administrator
- Jeanne Hughes – President, CSEA
- Joseph Lloyd – WGMS Administrator
- Jorge Montero – FSS Administrator
- Donna Priest – Parent Representative (NRHS)/President PTA Council
- Tim Roberson – Special Services
- Mary Romano – Board of Education
- Henry Sirakovsky – SRO
- MaryAnn VanRyn – Middle School Teacher (WGMS)
- Anthony Zollo – NRHS Administrator

II. ACTIVITIES

- Revise Code of Conduct (Lessons for Life)
- Discuss Staff Training

III. TIMELINE

- Meetings: February 9, 2011 – Admin. Bldg. - 3:30 PM
- March 7, 2011 – Admin. Bldg. - 3:30 PM
- March 30, 2011 – Admin. Bldg. - 3:30 PM
- May 3, 2011 – Public Hearing – NRHS – 7:30 PM
- June 7, 2011 – Board of Education Approval – NRHS – 7:30 PM

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CODE OF CONDUCT

I. INTRODUCTION

The Board of Education of the North Rockland Central School District (the “Board of Education”) strives to provide students with opportunities to acquire an education which will enable each student to become all he or she is capable of being. A safe, orderly and productive environment which promotes responsible student behavior is essential to achieve this goal and maintain effective educational programs. For these reasons, the Board of Education adopts this Code of Conduct (the “Code”) for all educational programs including, but not limited to, Pre-Kindergarten, General Education, Occupational Education, Special Education, Alternative Education and Adult Education. This policy was developed in consultation with students, parents, teachers, other school personnel and administrators. The maintenance of discipline under this Code is the responsibility of the entire District staff under the leadership of the program by building administrators and their respective directors.

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

II. DEFINITIONS

For purposes of this Code, the following definitions apply:

Arson: Intentionally starting or attempting to start any fire or combustion.

Assault: Intentionally causing physical injury to another person.

Bomb/explosive: Device containing combustible material and a fuse, including fireworks M-80 or larger.

Bullying: A variety of acts carried out repeatedly over time which involve a real or perceived imbalance of power and cause, or may be reasonably forecast to cause, a material and substantial disruption to the school environment and/or to a student’s ability to access education. Such acts may be physical, verbal, or psychological and may occur through a variety of forms, including via electronic media.

Discriminatory conduct: Treatment of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person belongs, including race, gender, religion, national origin, sexual orientation, color, creed, predisposing genetic characteristic or disability.

Disorderly conduct: Includes, but is not limited to, intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof.

Theft	Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Threatening Language and Behavior	In-School Suspension / Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Trespassing	In-School Suspension / Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Violation of Suspension	Additional day of OSS	
Willful Damage of School Property	Out of School Suspension (1-5 Days) / Superintendent's Hearing (Students and their parents shall be financially responsible for all damages)	
	TIER FOUR	
INFRACTION	RANGE OF PENALTIES	RESOURCES
Alcohol / Controlled or Dangerous Substance / Marijuana / Unauthorized prescription Distribution and/or sale	5 Days OSS / Mandatory parent conference and substance abuse contract will be established for each offense/Superintendent's Hearing / Police Contact	Parent Outreach; Contact local law enforcement agency; Referral to Counseling Services
Arson	5 Days OSS / Superintendent's Hearing / Police Contact	
Assault with Physical Injury (a) without a weapon (b) with a weapon	5 Days OSS / Superintendent's Hearing / Police Contact	
Explosive / Chemical Devices Possession and/or detonation of	Out of School suspension (1-5 Days) / Superintendent's Hearing / Police Contact	
False Fire Alarm / Misuse of 911 / Bomb Scare	5 Days OSS / Superintendent's Hearing / Police Contact	
Tampering with Computer Equipment / Data	5 Days OSS / Superintendent's Hearing / Police Contact	
Weapons Possession	5 Days OSS / Superintendent's Hearing / Police Contact	

TIER THREE		
<u>INFRACTION</u>	<u>RANGE OF PENALTIES</u>	<u>RESOURCES</u>
Alcohol / Controlled Substance / Marijuana / Dangerous Substance / Unauthorized prescription Possession and/or use	Mandatory parent conference and substance abuse contract will be established for each offense / Out of School Suspension (1-5 Days) / Superintendent's Hearing / Police contact	Parent Outreach; Intervention by Counseling Staff; Short-term behavioral progress reports; Peer Mediation; Referral to substance abuse counseling services; Referral to counseling services for biased bullying/harassment
Physical Dispute	In-School suspension / Out of School Suspension (1-5 Days) / Superintendent's Hearing (K-4 Administrative Discretion)	
Discriminatory Practice and/or Sexual Harassment	Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Endangering the health, safety, morals, or welfare of others	In-School suspension / Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Engaging in Lewd Behavior	Out of School Suspension (1-5 Days)	
Harassment / Intimidation / Menacing / Hazing / Bullying	Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Inciting Violence	Out of School Suspension (1-5 Days) Superintendent's Hearing	
Insubordination Continued willful refusal to follow given directions	In-School Suspension / Out of School Suspension	
Invasion of Privacy / Non-Consensual Photographing or Taping	Out of School Suspension (1-5 Days)	
Noxious Substances Possession or release of dangerous or noxious substances	Out of School Suspension (1-5 Days) / Superintendent's Hearing	
Possession of a Facsimile Weapon	In-School Suspension / Out of School Suspension (1-5 Days) / Superintendent's Hearing (K-4 Administrative Discretion)	
Reckless Driving	Out of School Suspension (3-5 Days) / Superintendent's Hearing	
Sexual assault	Out of School Suspension (1-5 Days) / Superintendent's Hearing / Police Contact	
Sexual conduct/contact	Out of School Suspension (1-5 Days) / Superintendent's Hearing	

Disruptive Student: An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Facsimile of a weapon: a reasonable representation of a weapon that causes, or would reasonably cause, an observer to believe it was an actual weapon.

False fire alarm: Report a fire to school or fire officials or setting off a fire alarm without a reasonable belief that a fire exists.

Gambling: Students engaged in playing any unauthorized game of chance or skill for money or anything of value.

Harassment: Actions that are sufficiently severe and/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;

Hazing: any intentional or reckless act directed against another for the purpose of initiation into or affiliation with or maintaining membership in any school-sponsored activity, organization, club or team;

Intimidation/menacing: Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm that substantially disrupts the educational process.

Loitering/trespassing: Entering school property or school facility without proper authority. This includes a student coming onto school property during suspension without prior administrative approval.

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

Physical Dispute: Intentional physical contact without consent.

Possession of Stolen Property: Taking property known or believed to be stolen with the intent of depriving the owner of the item(s).

Principal: a building principal and/or his or her designee (i.e., an Assistant Principal) except to the extent that state or federal law requires action only by the principal.

Removal: The act of a teacher in discontinuing the presence of the student in his/her classroom.

School Function: any school-sponsored or sanctioned extra-curricular event or activity, regardless of where such even or activity takes place, including any event or activity that may take place in another state.

School Property: In or within any building, structure, athletic playing field, playground, parking

lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in the Vehicle & Traffic Law § 142.

Sexual assault/offenses: Intentional sexual contact of a harmful or offensive nature.

Sexual Harassment: Unwelcome conduct (may be physical, verbal, or nonverbal) of a sexual nature which makes the educational environment hostile for the victim, and/or conduct whereby the aggressor seeks sexual favors in exchange for an educational benefit to be provided to or withheld from the victim. Such conduct via electronic means is also prohibited.

Suspension: The act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Theft: Unlawful taking and carrying away of property belonging to another person from school with the intent to deprive the lawful owner of its use.

Threatening: Words or actions which are designed to communicate or represent an intent to harm another individual.

Unauthorized Medication: Any medication which is in violation of the District’s Student Health Services policy, including prescription and over-the-counter medications.

Vandalism/graffiti: The willful or malicious destruction or defacement of public or private property.

Violent offense: An act that inflicts serious physical injury upon another, a sex offense that involved forcible compulsion or any other offense that involves the threatened use of a deadly weapon. Under the No Child Left Behind Act of 2001, a student who has been the victim of a “violent criminal offense” has the option to transfer to another school in the district (if available) at the same grade level.

Violent Student: A student under the age of 21 who:

- a. Commits an act of violence upon a school employee, or attempts to do so;
- b. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on the school property or at a school function, or attempts to do so;
- c. Possesses, while on school property or at a school function, a weapon;
- d. Displays while on school property or at a school function what appears to be a weapon;
- e. Threatens while on school property or at a school function to use a weapon;
- f. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;

	TIER TWO	
<u>INFRACTION</u>	<u>RANGE OF PENALTIES</u>	<u>RESOURCES</u>
Disorderly conduct	Detention / In-School suspension / Out of School Suspension / Superintendent’s Hearing	Parent Outreach; Intervention by Counseling Staff; Short-term behavioral progress reports; Referral to appropriate substance abuse counseling services
Disruptive Behavior	Detention / In-School Suspension	
Distributing or Posting Any Written Material , Pamphlets, or Poster Without Prior Written Approval	Detention / In-School Suspension	
False Identification	In-School Suspension / Out of School Suspension	
Forgery, Cheating or Plagiarism	Detention / In-School suspension / Out of School Suspension	
Gambling	In-School Suspension / Out of School Suspension	
Leaving School Without Prior Permission	Detention / In-School suspension (K-4 Administrative Discretion)	
Obscene / Profane / Vulgar Printing on Clothing	Contact Parent / Removal of Offensive Clothing Failure to comply will be treated as insubordination as set forth in the NRCS Code of Contact	
Obscene / Profane / Vulgar Language	Detention / In-School suspension / Out of School Suspension	
Presence in an Unauthorized Area	Detention / In-School suspension / Out of School Suspension	
Selling, Using, Displaying, Creating or Possessing Obscene, Profane or Vulgar Material	In-School Suspension / Out of School Suspension	
Tobacco use of any type	Mandatory Parent Contact / In-School Suspension / Out of School Suspension	
Verbal Abuse	In-School Suspension / Out of School Suspension	
Violations of Computer Policy	Detention / In-School Suspension / Out of School Suspension	

APPENDIX A
PENALTY GUIDELINES

The below penalty guidelines for misconduct are guidelines only; the District has the discretion to impose the penalties it deems appropriate based on the circumstances of the misconduct or the student's past disciplinary record.

TIER ONE		
<u>INFRACTION</u>	<u>RANGE OF PENALTIES</u>	<u>RESOURCES</u>
Dress Code Violations	Contact Parent / Removal of Offensive Clothing	Parent Outreach; Intervention by Counseling Staff ; Attendance Officer Resources; Short-term behavioral progress reports
Failure to Stay for Detention	Detention / In-School Suspension	
Illegal Class Absence	Detention / In-School Suspension / PINS petition	
Lateness to School and/or Chronic Lateness to Class	Detention / In-School suspension / Notification of Attendance Officer	
Leaving Class Without Prior Permission	Detention / In-School Suspension (K-4 Administrative Discretion)	
Littering	Pick-up Litter / Detention Failure to comply will be treated as insubordination as set forth in the NRCS Code of Conduct	
Possession or use of personal prescriptions or over-the-counter medications in violations of District policy	Contact parent / Detention / In-School Suspension	
Obstructing Vehicular or Pedestrian Traffic	Detention / In-School suspension	
Unauthorized use of personal electronic devices without authorization from District personnel	Student will be directed to put item(s) away. Failure to comply will be treated as insubordination as set forth in the NRCS Code of Conduct	
Violating Bus Safety (minor safety infractions while riding on the school bus)	Detention / Suspension of Bus Privileges	

g. Knowingly and intentionally damages or destroys District property.

Weapon: Includes, but is not limited to, a firearm (as defined in 18 U.S.C. § 921 for purposes of the Gun-Free Schools Act), any other gun, bb-gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, a disguised gun, starter pistol, dagger, dirk, razor, stiletto, knife, ice pick, switchblade, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, chuka stick, loaded cane, cane sword, electric dart gun, kung-fu star, electronic stun-gun, pepper spray or other noxious spray, explosive, incendiary bomb or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death or any other weapons listed and/or defined in the Penal Law of New York.

III. STUDENT RIGHTS AND/OR RESPONSIBILITIES

The goal of the Board of Education is to provide an environment in which a student's rights and freedoms are respected.

1. It shall be the right of each district student:
 - a. To have appropriate education in accordance with state and federal laws and regulations;
 - b. To have a safe, healthy, orderly, and courteous school environment;
 - c. To take part in district activities on an equal basis regardless of race, gender, religion, national origin, sexual orientation, color, creed, predisposing genetic characteristic or disability;
 - d. To have freedom of inquiry and expression, both written and oral, within appropriate limits under law and provided that the rights of others are not diminished;
 - e. To have school rules and conditions available for review;
 - f. To communicate in writing to appropriate school district personnel and to receive appropriate consideration of such communication including the right to seek clarification from school district staff or administrators considering the appropriateness of any action or behavior;
 - g. To dress according to individual taste or preference, in accordance with the Code, provided that the rights of others to an orderly educational process are not diminished;
 - h. To be suspended from instruction only after student's rights pursuant to Education Law §3214 have been observed; and
 - i. In all disciplinary matters, to have the opportunity to present the student's version of the facts and circumstances leading to imposition of disciplinary sanctions to the teacher or administrator imposing such sanction.
2. It shall be the responsibility of each student:
 - a. to be familiar with and abide by all district policies, rules and regulations pertaining to student conduct;

- b. to work to the best of his or her ability in all academic and extracurricular pursuits, participate in class and strive toward the highest level of achievement possible;
- c. to conduct himself or herself, when participating in or attending school-sponsored extracurricular events, as a representative of the district and as such hold himself or herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his or her actions;
- d. to respect the opinions and feelings of others, and treat students and staff in a non-discriminatory fashion;
- e. to seek help in solving problems that might lead to the imposition of discipline procedures;
- f. to be in regular attendance at school and class and to report promptly to class with all essential materials;
- g. to contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property;
- h. to make constructive contributions to the school, to report fairly the circumstances of school-related issues and to bring concerns about school district policies or actions to the appropriate member of the district staff or administration; and

IV. PARTNER RIGHTS & RESPONSIBILITIES

A. Parents. All parents are expected to:

- 1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
- 2. Send their children to school ready to participate and to learn.
- 3. Ensure their children attend school regularly and on time.
- 4. Insist their children be dressed and groomed in a manner consistent with the student dress code.
- 5. Know school rules and help their children understand them.
- 6. Convey to their children a supportive attitude towards education and the District.
- 7. Build good relationships with teachers, other parents and their children’s friends.
- 8. Help their children deal effectively with peer pressure.
- 9. Inform school officials of changes in the home situation that may affect their child’s conduct or performance.
- 10. Provide a place for study and ensure homework assignments are completed.

B. Non-Teacher Staff Members. All District non-teacher staff members are expected to:

- 1. Maintain a climate of mutual respect and dignity which will strengthen students’ self-concept and promote confidence to learn.
- 2. Maintain a safe environment on all school property in a manner conducive to a

XVI. DISSEMINATION AND REVIEW.

A. Dissemination of the Code. The Board will work to ensure the community is aware of this Code by:

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

B. The superintendent will ensure training on the effective implementation of the Code for all building and district administrators. Building and district administrators will annually train all school personnel on implementation of the Code and annual changes. As necessary, the district will implement training programs pertaining to the management and discipline of students.

C. The Board of Education will review this Code every year and update it as necessary. In conducting its annual 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 violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the Code, the Board will hold at least one (1) public hearing at which school personnel, parents, students and any other interested party may participate.

D. The Code and any amendments to it will be filed with the Commissioner no later than thirty (30) days after adoption.

positive educational atmosphere and immediately report any unsafe or inappropriate condition to the building administrator.

3. Demonstrate interest in and concern for student achievement.
4. Know school policies and rules and, as authorized, enforce them in a fair and consistent manner.
5. Report conduct, by any person, which violates this Code to the building principal.
6. Communicate regularly with other staff and administrators regarding ways to ensure the success of the District's mission.

C. Teachers. All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. course objectives and requirements;
 - b. marking/grading procedures;
 - c. assignment deadlines;
 - d. expectations for students;
 - e. classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

D. Student Support Personnel. All District student support personnel are expected to:

1. Assist students in coping with peer pressure and emergency personal, social and emotional problems.
2. Initiate teacher-student-counselor conferences, and parent-teacher-student-counselor conferences as necessary as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extra-curricular programs.

E. Principals. All District principals are expected to:

1. Promote a safe, orderly and stimulating school environment supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the

principal and approach the principal for redress of grievances.

3. Evaluate, on a regular basis, all instructional programs.
4. Support the development of and student participation in appropriate extra-curricular activities.
5. Be responsible for enforcing the Code and insuring that all cases are resolved promptly and fairly.

F. Superintendent. The Superintendents and his/her administrative staff are expected to:

1. Promote a safe, healthy and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and State and Federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to school discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code and insuring that all cases are resolved promptly and fairly.

G. Board of Education. The Board of Education is expected to:

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code which clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Adopt and review, at least annually, the District's Code to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

V. STUDENT DRESS CODE

The responsibility for student dress and general appearance rests with each individual student and his or her parent(s) or guardian(s); however, the Board of Education requires each student to attend school in appropriate dress that meets health and safety standards, does not interfere with the learning process and does not cause, or which the student should reasonably foresee may cause, a material and substantial disruption. The Board of Education also requires students, staff and visitors to wear appropriate protective gear in certain classes (i.e., family and consumer science, technology education, physical education).

The Board strongly encourages students to dress appropriately for school and school-related functions and to consider the impressions they make with their appearance.

The Board prohibits any of the following at school or at school functions:

under the control of the district and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

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 or attending a school function.

A. Penalties. Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at school functions shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant in accordance with the due process requirements of this Code.
3. Tenured Faculty Members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights they may have.
4. Staff Members in the Classified Service at the Civil Services entitled to protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or other legal rights they may have.
5. Staff Members other than those described in subparagraphs 3 and 4 herein, including probationary teachers and administrators and members of the Board of Education. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

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

CPS may also remove a student with a court order or if there is an imminent threat to the health and safety of the student. The Superintendent should be informed should any of the above occur.

XIV. VISITORS TO THE SCHOOLS

A. 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 forth for such visits. The building principal or his/her designee is responsible for all the persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There, they will be required to sign the visitors’ 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 principal’s office before leaving the building.
3. Visitors attending school functions that are open to the public, such as a parent-teacher-organization meeting or public gathering are not required to register.
4. Parents or citizens who wish to observe a classroom while the school is in session are required to arrange such visits in advance with the classroom teacher and/or building principal so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules of public conduct on school property contained in this Code.

XV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses)

- any dress bearing an expression or insignia which is obscene
- any dress which encourages violence or violent conduct or is intended to communicate or signal any gang affiliation or involvement
- any dress which promotes the use of drugs, alcohol or tobacco.

The Building Principal or designee shall have the authority to compel a student to change his or her attire should it be deemed inappropriate under the above guidelines. A student who refuses to comply with a principal’s or designee’s directive may be subject to disciplinary action.

VI. PROHIBITED STUDENT CONDUCT

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

1. Engage in conduct which:
 - a. Is disorderly (i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof), including but not limited to the following:
 - (1) using threatening language or behavior towards school personnel;
 - (2) making unreasonable noise or willfully disrupting or interfering with any lawful and authorized class, school routine, program or activity;
 - (3) using abusive, vulgar, or obscene or disrespectful language or gestures;
 - (4) obstructing vehicular or pedestrian traffic or driving recklessly on school property;
 - (5) theft, damage to, or destruction of, property, including but not limited to vandalism or graffiti;
 - (6) creating a hazardous or physically offensive condition by any act which serves no legitimate purpose, including but not limited to calling 911 without cause, throwing smoke/stink bombs, communicating or triggering false alarms, discharging fire extinguishes, etc.;
 - (7) distributing or posting any written material, pamphlets or posters without the prior written approval of the Superintendent or the Designee of the Superintendent, or as specifically approved by the Board;
 - (8) smoking or otherwise using tobacco on any grounds or in any vehicles which are owned, leased or contracted for and utilized by the District for provision of routine or regular pre-school, kindergarten, elementary or secondary education or library services, including alternative education programs and adult and evening programs;
 - (9) insubordination, i.e., failing to comply with the reasonable, lawful directions

of a teacher, school district administrator, school district official, school bus driver or other school district employee in charge of the student or school premises;

(10) using or possessing false identification;

(11) use of personal electronic devices except with the authorization of district personnel; or

b. Endangers the health, safety, morals or welfare of any person by an act, including but not limited to:

(1) Committing assault or the willful physical injury of any person or the threat to use force which could result in such an injury (including, but not limited to, fighting or engaging in violent behavior, inciting violence, menacing, etc.);

(2) Selling, exchanging, using or possessing alcohol, unauthorized or illegal drugs, unauthorized medication, controlled substances, dangerous substance, or drug paraphernalia,

(3) Selling, using, possessing or exchanging weapons or any facsimile of any of the above-listed weapons, fireworks, or other dangerous instruments or contraband or any object which would appear to another person to be any of the foregoing objects;

(4) Possession of or release of dangerous or noxious substances;

(5) Possession of stolen property;

(6) Selling, using, displaying, creating or possessing obscene, profane, or vulgar materials;

(7) Violating the student dress code;

(8) Gambling;

(9) Harassment

(10) Intimidation

(11) Littering

(12) Engaging in lewd behavior or distributing lewd, vulgar, or obscene material;

(13) Loitering/trespassing or entering into a private or restricted area without permission;

(14) Committing arson or creating an unauthorized open flame on school property;

(15) Invading the privacy of another person by recording or transmitting records or photographs;

C. As used in this article, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

1. To protect oneself from physical injury;

2. To protect another pupil or teacher or any other person from physical injury;

3. To protect district property or the property of others;

4. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

XIII. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education authorizes the Superintendent of Schools, Building Principals and Assistant Principals on reasonable suspicion to conduct searches of students and their possessions for illegal matter, contraband, or objects which constitute a threat to the health, safety, welfare or morals of students attending district schools or programs. In authorizing searches on reasonable suspicion, the Board of Education acknowledges both state and federal constitutional rights which apply to a limited extent to personal searches of students and to searches of their possessions (e.g., student automobile on school grounds, including trunk and glove compartment, pocket contents, book bags, handbags, etc.).

A. Student Lockers, Desks and Other School Storage Places. The rules in this Code 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 or other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent.

B. Police Involvement in Searches and Interrogations of Students. It is the policy of the District to cooperate with law enforcement agencies. While police do not have a general power to interview students in school, or to use school facilities in connection with police department work, the police may enter the schools of the District if a crime has been committed on school property and they have been invited by school officials or if they have a warrant for arrest or for search. School administrators will make every reasonable effort to contact the student's parent when the police wish to speak with a student.

C. Child Protective Services Investigations. Upon furnishing proper identification, Child Protective Services (CPS) must be permitted to interview a student on school grounds pertaining to allegations of suspected child abuse or neglect. Generally,

dangerous for the student to be in his/her current educational placement during such proceedings.

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

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

(2) If school personnel propose to change a student's placement after expiration of an IAES placement during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

(3) An expedited due process hearing shall be completed within 15 business days or proceed with the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the District and the parent within five (5) business days after the last hearing, and in no event later than five (5) calendar days after receipt of a request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities.

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

a. The District may report a crime committed by a student with a disability to appropriate authorities and such action will not constitute a change of the student's placement.

b. The superintendent shall ensure 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.

XII. CORPORAL PUNISHMENT

A. The Board of Education declares that corporal punishment is not a desirable method of enforcing decorum, order or discipline. The Board prohibits the use of corporal punishment by school district employees.

B. No teacher, administrator, officer, employee or agent of the district shall use corporal punishment against a pupil.

- (16) Bullying;
- (17) Discriminatory conduct;
- (18) Sexual harassment and/or sexual assault;
- (19) Sexual conduct
- (20) Violating bus safety.

c. Constitutes academic misconduct, including but not limited to:

- (1) Truancy from, lateness for, missing, cutting or leaving any School district class or required instruction without permission or excuse;
- (2) Cheating, including but not limited to:
 - (a) copying the work of another person,
 - (b) plagiarizing materials,
 - (c) using unauthorized help sheets or materials,
 - (d) illegally obtaining tests in advance,
 - (e) substituting for a test-taker or having someone substitute for you in a test,
 - (f) altering records,
 - (g) other forms of unauthorized collusion, or
 - (h) assisting another student in any of the above actions;
- (3) Violating a suspension;
- (4) Failing to complete an imposed detention; or
- (5) violating the school computer use policy or tampering with the school network or data thereof.

d. Violates any Federal or New York State statute, regulation, local ordinance or any rule or regulations of School district for the maintenance of public order on District property or on premises under the control of the District.

2. Engage in a Violation of the Gun-Free Schools Act of 1994

a. No student shall bring a firearm on any portion of any school premises owned or controlled by the School district.

b. In accordance with Gun-Free Schools Act of 1994, as amended, any student who, after a Superintendent's hearing held pursuant to Education Law Section 3214, as amended, is found guilty of bringing a firearm onto any school premises owned or controlled by School district will be subject to a penalty of at least a one year suspension from school. However, in determining an appropriate penalty, the Superintendent of Schools may modify the suspension requirement on a case-by-case basis, considering among other things, the totality of circumstances surrounding the

offense and the student's previous record.

VII. BULLYING

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying and/or harassment of a student by another student is strictly prohibited in any location over which this Code has jurisdiction. The District may discipline students for bullying which occurs off campus that causes or the student should reasonably foresee may cause a material and substantial disruption in the school environment.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or other individuals who participate in the investigation of allegations of bullying.

The New York State "Dignity for All Students Act," provides that students may not be discriminated against or harassed based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by any school employee or student while on school property or at a school function. Harassment under this act is defined as "a hostile environment created by conduct, verbal threats, intimidation, or abuse (based on a student's membership in one of the above categories) that substantially interferes with the student's educational performance, physical or emotional well-being or that causes the student to fear for his/her safety."

VIII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code to a teacher, guidance counselor, building principal or his/her designee. Any student observing a student possessing a weapon, alcoholic beverage 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 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, alcoholic beverage or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved in the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution. The building principal or his/her designee must notify the appropriate law enforcement agency of those Code violations that constitute a crime and/or substantially affect the order or security of the school.

3. 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 non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subject to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable Federal and State law and regulations. Until the disciplinary 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.

4. The District shall provide parent 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 provided by the Commissioner shall accompany the notice of disciplinary removal.

5. The parent of a student with disabilities subject to suspension for five (5) school days or less shall be provided the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

6. The superintendent's hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) 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.

7. 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 ten (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.

8. During the period of suspension and/or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this Code.

D. Expedited Due Process Hearings.

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code if:

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

a particular behavior and develop a behavioral intervention plan whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year, or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

b. 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 ten (10) school days in a school year, is subjected to a suspension or a 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 District shall convene a meeting of the CSE to modify such plan and its implementation to the extent that the Committee determines necessary.

c. 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 IAES, either for misconduct involving weapons, illegal drugs or controlled substances, or because maintaining a 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 that constitutes a disciplinary change in placement.

2. The parent of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA, 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 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 determined to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

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

b. The student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting the claim that the District had knowledge that the student was a student with a disability, the District either:

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

(2) determined that an evaluation was not necessary and provided notice to the parent of such determination in the manner required by applicable law and regulations.

IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

A. 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 use positive behavioral strategies and interventions to enable students 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 action, school personnel authorized to impose disciplinary penalties will consider the following:

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

Although this code provides penalty guidelines for misconduct (see Appendix A), nothing in the code should be construed as limiting the District's discretion to impose the penalties it deems appropriate based on the circumstances of the misconduct or the student's past disciplinary record.

B. Penalties. Students who are found to have violated the District's Code may be subject to the following penalties, either alone or in combination.

- Oral warning
- Written warning
- Written notification to parents
- Detention
- A probationary period
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extra-curricular activities
- Suspension of other privileges

- Removal from classroom by a teacher
- In-school suspension
- Short-term (5 days or less) suspension from school
- Long-term (more than 5 days) suspension from school
- Permanent suspension/expulsion from school

NOTE: It is the parent's/student's responsibility to make arrangements for District-provided home instruction and/or to obtain any missed school work. Any required parent conference will be held during the normal school day. A day of suspension is for a 24-hour period.

C. Procedures. The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate to the extent necessary the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning, or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

a. Detention. Teachers, principals and the superintendent may use lunch time or after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified, and arrangements for appropriate post-detention transportation home have been made, in accordance with the following procedures:

- (1) In an elementary school setting, the staff member assigning the detention shall be responsible for notifying a parent of the imposition of a detention and for ensuring that the parent makes arrangements for appropriate transportation home following the detention.
- (2) In a middle school environment, the staff member assigning the detention shall be responsible for notifying the parent of the imposition of a detention. Detention will occur on the same day as the misconduct for which it is given unless the teacher is unable to contact the parent. In such cases, the detention will occur on the next school day following the conduct warranting discipline. An activity bus will be provided at the middle school level to ensure appropriate transportation home following the detention.

(1) "Weapon" means the same as "Dangerous Weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for or is readily capable of causing death or serious bodily injury, except . . . [for] a pocketknife with a blade of less than 2 ½ inches in length.

(2) "Controlled Substance" means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both Federal and State law and regulations applicable to this policy.

(3) "Illegal Drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, or any other Federal law.

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

B. Change in Placement Rule.

1. A disciplinary change in placement means a suspension or removal from the student's current educational placement that is either:

- a. For more than ten (10) consecutive school days; or
- b. For a period of ten (10) consecutive school days or less, if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than ten (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 a student is removed and the proximity of the suspensions or removals to one another.

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

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

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

1. The District's Committee on Education shall:
 - a. Conduct a functional behavioral assessment to determine why a student engages in

1. Authorized suspensions or removals for students with disabilities:

a. For purposes of this section of the Code, the following definitions apply:

(1) A “suspension” means a suspension pursuant to Education Law § 3214.

(2) 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 education setting (“IAES”) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

(3) An “IAES” means a temporary education placement for a period of up to 45 school 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 prescribed on the student’s current individualized education program (“IEP”) that will enable the student to meet the goals set out in such IEP and includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from occurring.

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

a. The superintendent 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 (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period 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 the suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (“CSE”), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days if the student carries or possesses a weapon to school property or a school function, or a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function.

(3) In the high school environment, the staff member assigning the detention shall be responsible for notifying the parent that a detention has been imposed, and the school will provide an activity bus to ensure appropriate transportation home following the detention.

b. A Probationary Period. In certain circumstances, principals and the superintendent may impose a period of probation in lieu of or in addition to other disciplinary penalties. During such probationary period, the student will be on notice that future misconduct may merit a more severe penalty than would ordinarily be imposed under the circumstances.

c. Suspension from Transportation. If a student does not conduct himself or herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal’s attention. Students who become a serious disciplinary problem may have the right and privileges suspended by the building principal or the superintendent or their designees. In such cases, the student’s parent will become responsible for seeing that his or her child gets to and from school safely. The student and the student’s parent will be provided with a reasonable opportunity to meet with the building principal or the principal’s designee to discuss the conduct and the penalty involved. Should the suspension from transportation amount to a suspension from attendance, the student shall be entitled to his/her rights pursuant to Section 3214.

d. 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 will be provided with a reasonable opportunity for a meeting, accompanied by his/her parent(s), with the District official imposing the suspension to discuss the conduct and the penalty involved. Any student who is suspended from instruction will also be suspended from athletic participation, extra-curricular activities and other privileges.

e. Teacher Disciplinary Removal of Disruptive Students.

(1) A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques

(2) For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. The removal from class applies to the class of the teacher only.

(3) If the disruptive student does not pose a danger or on-going threat of

disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours or on the next scheduled school day.

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

(5) Within 24 hours or on the next scheduled school day after the student's removal, the principal or another District administrator designated by the principal must notify the parent in writing that the student has been removed from class and why. The notice must also inform the parent that he/she has the right upon request to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

(6) 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 or on the next scheduled school day of the student's removal at the last known address of the parent. Where possible, notice should also be provided by telephone if the school has been provided with the telephone number for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference. If, at the informal meeting, the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parent a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours or within two (2) scheduled school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- (a) the charges against the student are not supported by substantial evidence.
- (b) the student's removal is otherwise in violation of law, including the District's Code.

- does not attend school in accordance with the provisions of part one of article sixty-five of the education law; or
- who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority; or
- who violates the provisions of section 221.05 or 230.00 of the penal law; or
- who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

3. Juvenile Delinquents and Juvenile Offenders.

a. The superintendent is required to refer the following students to the County Attorney for juvenile delinquency proceedings before the Family Court:

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

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

X. ALTERNATIVE INSTRUCTION

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

XI. DISCIPLINE OF STUDENTS WITH DISABILITIES

A. The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to insuring the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards applied by applicable laws and regulations. This Code for students with disabilities subject to disciplinary action no greater or lesser right than those expressly afforded by applicable Federal and State law and regulations.

- (4) superintendent’s belief that other forms of discipline may be more effective;
- (5) input from parents, teachers and/or others;
- (6) other extenuating circumstances.

b. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

2. Students who commit violent acts, other than bringing a weapon to school. Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possession of a weapon.

3. Students who are repeatedly substantially disruptive of the educational process, or repeatedly substantially interferes with the teacher’s authority over the classroom. Any student, other than a student with a disability, who is repeatedly and 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 (5) days. For purposes of this Code, “repeatedly and substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teachers, pursuant to Education Law § 3214(3-a) and this Code, on four (4) or more occasions during a semester, or three (3) 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 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.

C. Referrals

- 1. Counseling. The guidance office shall handle all referrals of students to counseling.
- 2. PINS Proceedings. The District may file a PINS (Person In Need of Supervision) petition in Family Court in accordance with Article 7 of the Family Court Act on a person less than eighteen years of age who:

(c) the conduct warrants suspension from school pursuant to Education Law § 3214, and a suspension will be imposed.

(d) the principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming until he/she is permitted to return to the classroom. Each teacher must keep a complete log (on District-provided forms) for all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class. Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student’s rights under State or Federal law or regulation.

f. In-School Suspension. The student’s parent will be notified and the student and parent will be provided with a reasonable opportunity for a meeting with the building principal or his/her designee to discuss the conduct and the penalty involved.

g. Suspension from School. Suspension from school is a severe penalty which may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals. Any staff member may recommend to the superintendent or building principal that a student be suspended. All staff members must immediately report and refer a violent student to the building principal or the superintendent for a violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate action. 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 relative to the matter and record them for subsequent presentation if necessary:

- (1) Short-Term (5 days or less) Suspension from School.
 - (a) When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five (5) days or less, pursuant to Education Law § 3214(3), the suspending authority

must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent, 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 parent. Where possible, notice should also be provided by telephone, if the school has been provided with a telephone number for the purpose of contacting the parent.

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

(c) 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 on-going 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 practical.

(d) After the conference, the principal shall promptly advise the parent in writing of his/her decision. The principal shall advise the parent 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 (5) business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten (10) business days after receiving the appeal. If the parent is not satisfied with the superintendent's decision, the parent must file a written appeal to the Board of Education with the District clerk within ten (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 from the Commissioner within thirty (30) days of the decision. The District may, in its discretion, continue to impose the suspension during the pendency of any appeal.

(2) Long-Term (more than 5 days) Suspension from School.

(a) When the superintendent or principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parent of the 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/her, and the right to produce witnesses and other evidence on his/her behalf. The superintendent shall personally hear and determine the proceeding, or may, in his/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/her. A record of the hearing shall be maintained, but no stenographic transcript should be required. 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.

(b) Appeal of the decision of the superintendent may be made to the Board. The Board 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 ten (10) business days of the date of the superintendent's decision, unless the parents can show extraordinary circumstances precluding them from doing so. The Board may adopt or reject, in whole or in part, the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision. The District may, in its discretion, continue to impose the suspension during the pendency of any appeal.

(3) Permanent Suspension/Expulsion. 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. Permanent suspension is subject to the same rules and procedures set forth above for Long-Term (more than 5 days) Suspension from School.

B. Minimum Periods of Suspension.

1. Students who bring a weapon to school.

a. Any student, other than a student with a disability, found guilty of bringing any weapon onto school property will be subject to a suspension from school for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- (1) student's age;
- (2) student's grade in school;
- (3) student's prior disciplinary record;