

ARLINGTON CENTRAL SCHOOL DISTRICT Code of Conduct

I. Introduction

The Arlington Central School District 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”).

This Code applies to all students, school personnel, parents and other visitors when on school property, school busses, attending a school function, or when engaged in off-campus behavior that endangers the health, safety and well being of members of the school community or which disrupts the educational process.

II. Definitions

For purposes of this Code, the following definitions apply:

- ♦ “Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- ♦ “Parent” means parent, guardian or person in parental relation to a student.
- ♦ “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, in or on a school bus, as defined in Vehicle and Traffic Law §142, or in any vehicle operated by the District.
- ♦ “School function” means any school-sponsored extra-curricular event or activity, on or off school grounds.
- ♦ “Violent student” means a student under the age of 21 who:
 1. Commits an act of violence upon a school employee, or attempts to do so.
 2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.

3. Threatens to do physical harm to any person
 4. Possesses, while on school property, at a school function, or in any vehicle on school property or in any vehicle operated for or on behalf of the School District, a weapon.
 5. Displays, while on school property, at a school function, or in any vehicle on school property or in any vehicle operated for or on behalf of the School District, what appears to be a weapon.
 6. Threatens, while on school property, at a school function, or in any vehicle on school property or in any vehicle operated for or on behalf of the School District, to use a weapon or what appears to be a weapon.
 7. Knowingly and intentionally damages or destroys the personal property of any school employee, fellow student, or any person lawfully on school property or at a school function.
 8. Knowingly and intentionally damages or destroys school district property.
- ◆ “Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, 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, dangerous chemicals, fireworks, 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.
 - ◆ “Student with a Disability” means a student who has been classified by the Committee on Special Education as a student with a disability because of mental, physical or emotional reasons.

III. Student Rights and Responsibilities

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, disability, age, economic status, or marital status.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day and be in class on time, unless they are legally excused; Be prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions, as described in Section V.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship, on and off school grounds.
12. Report violations, as described in Section VII.

IV. Essential Partners

A. Parents / Guardians

All parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Maintain a climate of respect and dignity with and towards all school employees.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school daily and on time.
5. Ensure that legal and necessary absences are excused by providing written note upon student's return.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know and follow school rules and help their children understand and abide by them.
9. Convey to their children a supportive attitude toward education and the District.

10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of circumstances or changes in the home situation that may affect student conduct or performance.
13. Inform school officials of situations in school that may affect student conduct or performance.
14. Inform school officials of any situation in the community that may pose a danger to students or staff.
15. Provide a place for study and an environment conducive to the completion of homework assignments.

B. School Staff

All District administrators, faculty, and staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Demonstrate a commitment to life-long learning.
3. Exhibit professionalism in all aspects of job performance.
4. Be aware of and enforce District Policies.
5. Be familiar with the Code of Conduct and understand their professional responsibilities related to its provisions.

All District teachers are expected to:

1. Be prepared to teach in a changing environment.
2. Demonstrate interest in teaching and concern for student achievement.
3. Know and follow school procedures and rules, and enforce them in a fair and consistent manner.
4. 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.
5. Communicate regularly with students, parents and other teachers concerning growth and achievement.
6. Be familiar with the Code of Conduct and the building procedures for discipline of students, including teacher removal of a student from class.

All District guidance counselors, school psychologists and social-workers are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate conferences with students and parents 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 college and career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs, and to achieve their highest academic and personal potential.

All District **principals, house/assistant principals** are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, parents 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 and personnel in their school.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Be aware of and enforce District Policies.
7. Be aware of what acts constitute a crime and respond accordingly, including involving the police for incidents as mandated by the SAVE law.
8. Disseminate procedures related to student discipline, including teacher removal of a student from class.

The **Superintendent, Deputy/Associate Superintendents, and Assistant Superintendents** are expected to:

1. Lead the District in a manner that promotes the District Mission and Goals.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Create instructional programs, which are sensitive to student and teacher needs, to promote character education and minimize problems of misconduct Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
5. Provide professional development opportunities related to positive behavior interventions and supports, as well as the management and discipline of students.
6. Be aware of and enforce District Policies.

C. Board of Education

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.

3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Be aware of and enforce District Policies.

V. Student Dress Code

The responsibility for student dress and general appearance rests with individual students and parents. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. The Board also requires students to wear appropriate protective gear in certain classes and activities, such as family and consumer sciences, home and career skills, technology education, science labs, physical education, sports, and club activities. 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.

Examples of standards of dress include but are not limited to the following:

1. Extremely brief garments and see-through garments are not permitted.
2. Underwear should be completely covered with outer clothing.
3. Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed.
4. The wearing of hats or other head gear in classrooms, instructional areas, or offices except for a medical or religious purpose is not permitted.
5. Clothing may not include items that are vulgar, obscene, libelous or that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
6. Clothing may not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Clothing that obstructs a student's identity, including hoods from sweatshirts, jackets, and sweaters, as well as face masks, may not be worn in school.

Each building principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Whether or not a student's attire is appropriate or not is ultimately within the discretion of the principal or assistant principal.

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

VI. Prohibited Student Conduct

The Board of Education of the Arlington Central School District 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 and general community, as well as for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to the following:
1. Running in hallways.
 2. Making unreasonable noise.
 3. Using profane, lewd, vulgar, abusive, or prejudicial language or gestures.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building or on school property, other than the one they regularly attend, without reporting to the main office for a visitor's pass used for a stated approved purpose, or to attend a public event at the school.
 7. Using cell phones or electronic devices, such as hand-held games or pagers, that may be disruptive in school.
 8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
 9. Using any electronic device in school to take pictures or record voices or images without the express prior permission from an administrator or faculty member.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to the following:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for school or class, missing school or class, or leaving school or class without permission.
 3. Skipping detention.
- C. Engage in conduct that is violent. Examples of violent conduct include but are not limited to the following:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 4. Displaying a recognizable facsimile of a weapon to intimidate another.
 5. Threatening to use any weapon or to otherwise harm another individual.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property, including graffiti or arson.
 8. Threatening, harassing, bullying, or intimidating another person, verbally, in writing, or through electronic devices.
 9. Cyber-bullying (i.e., willful and/or repeated harm through the use of electronic test.)
 10. Threatening or harassing students or school personnel over the telephone or through the computer.
 11. Using message boards or similar technologies to convey threats or derogatory comments or to post pornographic and other unauthorized photographs or images of other students or school personnel.
 12. Possessing fireworks or incendiary devices.
 13. Possessing any chemical or biological agent, or reasonable facsimile, intended or used to cause injury, alarm or disruption.
- D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to the following:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function, stealing school district property.

3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
 5. 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.
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. 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.
 8. Selling, using or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco; Possessing any type of tobacco product.
 11. 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."
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Gambling, as defined by New York State law.
 14. Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner.
 15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; activating a safety shower without cause.
- E. Engage in off-campus misconduct that endangers the health and safety of students within the school community, or which substantially disrupts the educational process.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to the following:
1. Plagiarism,

2. Cheating
3. Copying
4. Altering records or forging notes
5. Assisting another student in any of the above actions.

VII. Reporting Violations

Any student having knowledge of or 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, staff member, the building principal, the principal's designee, the Superintendent, and/or security or law enforcement personnel. Any student having knowledge or awareness of any act of violence, intent to commit violence, or threat of violence shall report this information immediately to a teacher, staff member, the building principal, the house/assistant principal, the Superintendent, and/or security or law enforcement personnel.

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

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved. The appropriate disciplinary sanction may include Superintendent's long-term suspension and referral to law enforcement for prosecution.

The building principal or designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation.

VIII. 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 students' ability to grow in self-discipline.

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

1. The student's age.

2. The nature of the offense and the circumstances 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. The written Policies of the District.
7. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will often merit a lighter penalty than subsequent violations, unless otherwise countermanded by law or the severity of the offense.

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

A. Penalties

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

1. Verbal warning: Any member of the district staff
2. Written warning: Coaches, Guidance Counselors, Teachers, Principal/designee, Superintendent
3. Written notification to parent: Coaches, Guidance Counselors, Teachers, Principal/designee, Superintendent
4. Teacher Assigned Detention: Teachers
5. Administrative Detention: Principal/designee, Superintendent
6. Suspension from transportation: Principal/designee, Superintendent
7. Suspension from athletic participation: Athletic director, Coaches, Principal/designee, Superintendent
8. Suspension from social or extracurricular activities: Activity advisor, Principal/designee, Superintendent
9. Suspension of other privileges: Principal/designee, Superintendent
10. In-school suspension: Principal, Superintendent
11. Involuntary transfer: Superintendent
12. Removal from classroom by teacher: Teachers
13. Short-term (five days or less) suspension from school: Principal, Superintendent, Board of Education
14. Long-term (more than five days) suspension from school: Superintendent, Board of Education
15. Permanent suspension from school: Superintendent, Board of Education.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must

inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention:

Principals and House/Assistant Principals may use after school detention as penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers may keep students for their own detention. All detentions require that parental notification is made in advance and transportation home is arranged.

2. Suspension from transportation:

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the Superintendent or the Superintendent's designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school on time and safely. Should the suspension from transportation amount to a suspension from attendance in the judgment of the Superintendent, the District may make appropriate arrangements to provide for the student's education.

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

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

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

4. In-school suspension:

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

A student subjected to an in-school suspension is not entitled to a full

hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students:

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. On the primary and elementary levels the time of removal should roughly equate to that of the secondary level, namely 45 minutes for each "day" of removal.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why 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 ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

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

secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notification must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- 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 of Conduct.
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, 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 and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or 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 or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school:

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of

others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals.

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or designee 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 within 24 hours by the staff member recommending the suspension.

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

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

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents that the student is to be suspended from school.

The notification shall provide a description of the charges against the student and the incident for which suspension is scheduled and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notification 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 of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal

to the Board of Education with the District clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent 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 must be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension:

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school:

All students who bring knives, firearms, or explosives to school shall be referred for a Superintendent's §3214 Disciplinary Hearing for consideration of long-term suspension, irrespective of the term of suspension applied by the principal.

Any student, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-

year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

2. Students who commit violent acts other than bringing a weapon to school:

Any student, 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 durations up to five days out of school upon the authority of the principal and in excess of five days as may be determined by the Superintendent. If the proposed penalty is the minimum one-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 a period of five days 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.

All students who commit violent acts causing bodily injury to another student, staff member, or other person shall be referred for a Superintendent's §3214 Disciplinary Hearing for consideration of long-term suspension, irrespective of the term of suspension applied by the principal.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom:

Any student, 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 durations up to five days out of school upon the authority of the principal and in excess of five days as may be determined by the Superintendent. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester. If the proposed penalty is to run from one to five days, 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 is to exceed a period of five days, 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.

4. Students who are in possession of illegal drugs:

Any student who is involved in the distribution or sale of illegal drugs, shall be referred for a Superintendent's §3214 Disciplinary Hearing for consideration of long-term suspension, irrespective of the term of suspension applied by the principal.

D. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling. (See Section VIII (B)(5), teacher disciplinary removal of disruptive students.)

2. PINS Petitions

When school disciplinary procedures are not effective in changing a student's behavior, the District may ask the Family Court to order out of school supervision and treatment of the student by filing a PINS (person in need of supervision) Petition with the court. A PINS petition may be filed when:

- a. A student refuses to attend school.
- b. A student engages in a course of conduct which demonstrates the student is ungovernable, habitually disobedient, or beyond the lawful control of the school.
- c. A student possesses marijuana.

3. Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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.

IX. Alternative Instruction

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

The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students are consistent with the safeguards required by applicable laws and regulations.

X. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Definitions

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

1. Behavioral Intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.
2. CSE means a committee on special education established in accordance with Education law section 4402.
3. Controlled Substance means a drug or other substance identified under Schedule I,II,III, IV or V in Section 202(c) of the Controlled Substances Act (21 U.S.C. Section 812).
4. A Disciplinary Change in Placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and because of such 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. A determination shall be made on a case-by-case basis whether a pattern of removals constitutes a change in placement. This determination shall be subject to review through due process and judicial proceedings.
5. Illegal Drug means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise

legally possessed or used under the authority of the Controlled Substances Act or any other provision of federal law.

6. Interim Alternative Educational Setting or "IAES" means a temporary educational 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, where the student shall continue to receive educational services, so as to enable the student to continue to participate in the general curriculum, although in another setting, to progress toward meeting the goals set out in the IEP, and include as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
7. Manifestation Team means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. School day means any day, including a partial day that students are in school for instructional purposes.
9. Serious Bodily Injury means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
10. Suspension means a suspension pursuant to Education Law §214(3) (a) through (d).
11. Removal means a removal for disciplinary reasons from the student's current educational placement, other than a suspension, and a change in placement of a student to an interim alternative educational setting by an impartial hearing officer because maintaining the current placement of the student is substantially likely to result in injury to the student or others. Such term shall also include the change of placement of a student to an IAES by superintendent, either directly or upon the recommendation of a hearing officer, where the student has, on school grounds or at a school function, inflicted serious bodily injury upon another person, carried or possessed a weapon or knowingly possessed or used illegal drugs.
12. Weapon means 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 such term does not include a pocket knife with blade of less than 2½ inches in length.

B. Authorized Suspensions or Removals of Students

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

- a. The Board, the Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for 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 provided that the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, providing those removals do not result in a disciplinary change in placement.
- d. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.
- e. The Superintendent may directly, or upon the recommendation of a designated hearing officer, 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, for up to 45 days, if the student carries or possesses a weapon to school or at 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 under the district's jurisdiction, or has inflicted bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction. The period of suspension or removal ordered by the superintendent may not exceed the amount of time that a non-disabled student would be suspended for the same behavior.
- f. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement for a student with a disability who violates a code of student conduct.

2. Subject to specified conditions required by both federal and state law

and regulations, an impartial hearing officer, in an expedited due process hearing, may order the placement of a student with a disability in an IAES setting for not more than 45 days, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others. The district shall not be required to commence disciplinary action against the student as a prerequisite for initiating an expedited due process hearing to obtain such an order of an impartial hearing officer. A determination that the student's behavior is a manifestation of the student's disability shall not preclude an impartial hearing officer from ordering a change in placement.

C. Disciplinary Change of Placement

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 manifestation team 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 or the infliction of serious bodily injury as set forth above.

D. Provision of Services During Suspension

1. During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law section 3214(3)(e) on the same basis as non-disabled students. Students who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to non-disabled students of the same age who have been similarly suspended.
2. During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, the student shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. The student shall receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so

as to enable the student to continue to participate in the general educational curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

3. A student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days) in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, must be provided with educational services, that are necessary to enable the student to continue to participate in the general education curriculum; and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavioral violation so it does not recur. The IAES and services shall be determined by the CSE.

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

1. Manifestation Determination
 - a. A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, but in no case later than 10 school days after a decision is made: by a superintendent to change the placement of a student to an IAES; by an impartial hearing officer to place the student in an IAES; or by the board of education, the Superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.
 - b. The manifestation determination should be made by a manifestation team, in a meeting which must include a representative of the school district knowledgeable about the student and the interpretation of information about the child's behavior, the parent, and relevant members of the CSE as determined by the parent and the school district.
 - c. The parent must receive written notification before any manifestation team meeting to ensure that that the parent has an opportunity to attend. The notification must inform the parent of: the purpose of the meeting; the names of the individuals expected to attend; and his or her right to have relevant members of the CSE participate at the parent's request.
 - d. The manifestation team must review all relevant information in the student's file including: the student's IEP; any teacher observations; and any relevant information provided by the parents. Upon review of the above information, the manifestation team must determine: if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of the school district's failure to implement the IEP.

- e. If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school district's failure to implement the IEP, then the conduct must be determined to be a manifestation of the student's disability.
 - f. If the manifestation team determines that the conduct was a manifestation of the student's disability, then the CSE must conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment prior to when the behavior occurred that resulted in the change of placement, and implement a behavioral intervention plan for the student. Except for removals for drugs, weapons or serious bodily injury, the student must be returned to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.
 - g. If a behavioral plan has been developed prior to the misconduct subject to the disciplinary action, the manifestation team must review the behavioral plan and modify it as necessary to address the behavior.
 - h. If the manifestation team determines the conduct in question was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.
2. Students Presumed to Have a Disability for Discipline Purposes
- a. The parents of a student who is facing disciplinary action, but who has not been identified as a student with a disability at the time of the misconduct, may assert the protections set forth in this policy, if the district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. Where the school district is deemed to have had knowledge that the student was a student with a disability before the behavior occurred, such student is a "student presumed to have a disability for discipline purposes".
 - b. A school district must be deemed to have knowledge that a student has a disability if, before the time the behavior occurred:
 - 1. the parent of the student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education. The expression or concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
 - 2. the parent of the student has requested an evaluation of the student; or
 - 3. a teacher of the student or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director

- of special education of the school district or to other supervisory personnel of the school district.
- c. If it is claimed by the parent of the student or by school district personnel that the school district had a basis for knowledge that the student was a student with a disability prior to the time of the behavior subject to the disciplinary action occurred, the Superintendent, building principal or other school official imposing the suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - d. 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,
 - 1. the student's parent has not allowed an evaluation of the student; or
 - 2. the student's parent has refused services; or
 - 3. the district conducted an evaluation and determined that the student is not a student with a disability.
 - e. If the superintendent, building principal or other school official imposing the disciplinary removal determines that there is no basis for knowledge prior to taking disciplinary measures against the student, the student may be subject to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the District receives a request for an individual evaluation while the student is subject to disciplinary removal, the district will conduct an expedited evaluation in accordance with applicable law and regulations.
 - f. The expedited evaluation shall be completed no later than 15 school days after receipt of parent consent for evaluation. The CSE shall make a determination of eligibility in a meeting held not later than 5 school days after completion of the expedited evaluation.
 - g. Until the expedited evaluation is complete, the non-disabled student shall remain in the educational placement determined by the District which can include suspension.
3. Additional Due Process Requirements
- a. No later than the date on which the decision is made to change the placement of a student with a disability to an IAES, or a decision is to impose a suspension or removal that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural safeguards notice prescribed by the Commissioner.
 - b. The parents or persons in parental relationship, of a student with disabilities subject to a suspension of five consecutive school days or less shall be notified of the suspension and provided with the same opportunity for an informal conference in accordance with the same procedure available to parents of non-disabled students under the Education Law.

- c. The suspension of students with disabilities of more than five school days, other than a change in placement to an IAES, shall be conducted in accordance with the same due process procedures applicable to non-disabled students, except that the 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 there has been a determination that the behavior is not a manifestation of the student's disability. The removal of student to an IAES shall be in accordance with applicable provisions included in this policy.
- d. Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase. If it is determined that the student is guilty of the misconduct, the Superintendent or hearing officer shall make a determination whether a suspension or removal in excess of 10 consecutive school days, or that would otherwise constitute a disciplinary change in placement, should be considered. If the superintendent or hearing officer determines that it should not be considered, the hearing shall proceed to the penalty phase.
- e. If the superintendent or the hearing officer determines that a suspension or removal in excess of 10 consecutive school days, or that would otherwise constitute a disciplinary change in placement, should be considered, the hearing will be adjourned until a determination is made by the manifestation team whether the behavior is a manifestation of the disability.
- f. If the manifestation team determines that the behavior was a manifestation of the student's disabilities, the hearing will be dismissed. If the manifestation team determines that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student. The penalty phase may proceed after receipt of the notification.
- g. The penalty phase of the superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student, including anecdotal evidence of past instances of misconduct. The district shall assure that copies of the special education and disciplinary records of the student are transmitted to the superintendent of schools or the hearing officer in the superintendent's hearing for consideration whether or not the manifestation team has determined that the student's behavior is a manifestation of the student's disability.
- h. Notwithstanding any of the above provisions, upon a determination that the student is guilty of the alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the superintendent may order, or the hearing officer in a superintendent's hearing may recommend, such change in placement to an IAES, to be determined by the CSE, for up to 45 school days, even where the

manifestation team determines that the student's behavior is a manifestation of the student's disability. This placement may not exceed the length of time that a non-disabled student would be suspended for the same misconduct under the district's student discipline policy.

F. 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, under the following circumstances:
 - a. The district requests an expedited 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 where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The district requests an expedited hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES 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 where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings
 - c. 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.
2. During the pendency of an expedited due process hearing or appeal regarding a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current setting is likely to result in injury to the student or others, 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.
3. Upon receipt of or filing of a due process complaint notice for an expedited hearing, the board of education shall arrange for an impartial hearing and the appointment of an impartial hearing officer in accordance with the Commissioner's regulations.
4. The district will arrange the expedited due process hearing according to the following time periods unless the parent and district agree in writing to waive the resolution meeting or agree to use mediation. A resolution meeting shall occur within seven days of receiving notice of the due process complaint. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint. The expedited due process hearing shall occur within 20 school days

of the date the complaint requesting the hearing is filed. The impartial hearing officer shall make a determination within 10 school days after the hearing.

5. The impartial hearing officer shall mail a copy of the written decision to the parents, to the board of education and the office of Vocational and Educational Services for Individuals with Disabilities Education of the New York State Department within 10 school days after the hearing.

G. Referral to Law Enforcement and Judicial Authorities

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

1. The District may report a crime committed by a child with a disability to appropriate law enforcement and judicial authorities.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by FERPA.

XI. Corporal Punishment

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

XII. 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 and building administrators 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. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. 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. 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 belongings are being searched. A second administrator or designee shall be present during searches whenever practicable.

A. Student Lockers, Desks and other School Storage Places

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

B. Strip Searches

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

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

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

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

C. Documentation of Searches

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

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

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or conduct a formal investigation involving students:

1. If they have been asked by school officials, or
2. If they have cause to believe a crime has been committed on school property or at a school function, or
3. If they have a search or arrest warrant, or
4. They may search a student or conduct a formal investigation involving students if they are already on school property.

E. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or designee. The principal or 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, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIII. Visitors to the Schools

The building principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the visitor reception area or office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the issuing office before leaving the building.
3. Persons who desire to visit a school building shall do so only with the permission of an appropriate administrative staff member.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the appropriate building administrator, so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIV. 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.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute printed materials on school grounds or at school functions without prior authorization by the Principal or Superintendent.
5. 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.
6. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, economic status, marital status, or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble, as defined by NYS law, on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or Board Policy while on school property or while at a school function.
17. Smoke in school buildings, on school grounds, or on any school property.
18. Walk dogs on school property.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and may be additionally subject to civil or criminal action.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
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 that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

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

When the building principal or designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or 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 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.

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students in 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 of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.
7. Posting a copy of the Code of Conduct on the District Web Site.

The Board will sponsor an educational program for all district staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding staff development programs pertaining to the management and discipline of students.

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.

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

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

This document supercedes any previously written Board policies on these subjects.

BOARD OF EDUCATION ADOPTION: JUNE 23, 2009