

**EAST AURORA UNION FREE
SCHOOL DISTRICT**

A CODE OF CONDUCT

**July 2, 2012
Revised**

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Code of Conduct

I. Introduction

The East Aurora Board of Education 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 expectations for conduct on school property and at school functions are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to:

- clearly define acceptable conduct;
- identify the possible consequences of unacceptable conduct and,
- ensure that discipline is administered promptly and fairly.

To this end, the Board adopts this Code of Conduct.

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

II. Definitions

For purposes of this code, the following definitions apply:

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; or in or on a school bus, (Education Law Section 11[1]).

School Bus means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

School function means any school-sponsored event or activity, including but not limited to interscholastic athletic or extracurricular events or activities.

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

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s 11[4] and 1125[3]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Gender means actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11[6]).

Race means a group of persons related by a common descent or heredity. For purposes of enumeration, the U.S. Census Bureau uses terms such as: “White/Caucasian”, “Black/African American/African-descent”, “Asian”, “Bi-racial”, “Hispanic/Latino” etc. to describe and classify the inhabitants of the United States.

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Weight means aside from the obvious meaning in the physical sciences, the word is used to reference a person’s “size”.

National Origin means a person’s country of birth or ancestor’s country of birth.

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

Religion means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

Religious Practice means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote “sex”.)

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 a school function, or attempts to do so.
3. Brings a weapon onto school property and/or to a school function.
4. Possesses, while on school property or at a school function, a weapon.
5. Displays, while on school property or at a school function, what appears to be a weapon.
6. Threatens, while on school property or at a school function, to use a weapon.
7. Knowingly and intentionally damages or destroys the personal property of any school employee, 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, and dangerous weapon under 18 U.S.C. § 930(g)(w) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school on time, ready to participate and learn.
3. Ensure absences are excused.
4. Insist their children be dressed and groomed in a manner consistent with the student dress code.
5. Know school rules and help their children understand them.
6. Convey to their children a supportive attitude toward education and the district.
7. Build good relationships with teachers, other parents and their children's friends.
8. Help their children deal effectively with peer pressure.
9. Inform school officials of changes in the home situation that may affect student conduct or performance.
10. Provide a place for study and ensure homework assignments are completed.
11. Teach their children respect and dignity for themselves, and other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning.

B. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Demonstrate concern for student achievement and social/emotional development.
3. Know school policies 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. Expectations for students, and the
 - d. Classroom discipline plan.
5. Communicate as needed with students, parents, and other teachers and support personnel concerning student performance and social/emotional development.

6. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

C. Counselors/School Psychologists/Social Workers

All Counselors/School Psychologists/Social Workers are expected to:

1. Assist students in coping with peer pressure and emerging personal, social/emotional and academic problems.
2. Initiate student/parent/professional staff conferences as necessary.
3. Review with students their educational progress and, when appropriate, career plans.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Evaluate and develop appropriate educational programming.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Expectations for Student Support Service Personnel

1. Maintain confidentiality about all personal information and educational records concerning students and their families
2. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
3. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

E. Principals

All Principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Evaluate, on a regular basis, all instructional programs and teacher effectiveness.
3. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
4. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
5. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

E. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, and supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

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, and to evaluate the Code's effectiveness.
3. Conduct board meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

IV. Student Rights and Responsibilities

A. Student Rights

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to 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 or sexual orientation or disability.
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 unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic, interscholastic athletic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

V. Student Dress Code

Students and their parents have the primary responsibility for acceptable student attire and appearance. All students are expected to dress in a safe and modest manner that is not distracting or disruptive to the learning environment. Distracting items may not be limited to the items listed below:

These rules are to ensure appropriate attire throughout the course of daily activities.

A student's dress, grooming and appearance, including hair style/color/jewelry, make-up and nails, shall be safe, appropriate and not disrupt or interfere with the educational process.

1. Students must wear appropriate footwear at all times. Specific buildings may prohibit certain footwear for safety reasons. Please refer to their handbooks.
2. Skirts, dresses and shorts must be at an appropriate length.
3. Cleavage should not be showing.
4. Bare torsos, including midriffs are not allowed. No 'sagging' of pants.
5. All underwear must be completely covered.
6. Extremely brief garments, such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front or back) and see-through garments are not appropriate.
7. Hats, hoods, visors, and sunglasses are not to be worn inside the building, except for religious or medical purposes, or with the building principal's permission.
8. A student's dress, grooming and appearance shall not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
9. A student's dress, grooming and appearance shall not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal shall notify students who violate the student dress code and students shall be required to modify their appearance by covering or removing the offending item and, if necessary, replace it with an acceptable item. Any student who refuses to do so shall be subject to further discipline, up to and including out of school suspension.

These guidelines have been reviewed by faculty, students and parents to ensure a safe and healthy learning environment for all students.

VI. Prohibited Student Conduct

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the 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 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 and/or disruptive. Examples of disorderly and/or disruptive conduct include but are not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar, or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act that disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
 8. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
 9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students or otherwise demonstrating disrespect.
 - 2. Lateness for, missing or leaving class or school without permission.
 - 3. Skipping detention.

- C. Engage in conduct that is violent. Examples of violent conduct include:
 - 1. Committing an act of violence (such as hitting, kicking, punching, and/or scratching) upon any other person on school property or attempting to do so.
 - 2. Brings a weapon onto School District property or to a school function.
 - 3. Possessing a weapon.
 - 4. Displaying what appears to be a weapon.
 - 5. Threatening to use any weapon.
 - 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 - 7. Intentionally damaging or destroying school district property.
 - 8. Engaging in verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student, teacher, administrator, other District employee or any person lawfully on school property to fear for his or her physical wellbeing.

- D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
 - 1. Lying to school personnel.
 - 2. Forgery.
 - 3. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 - 4. 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
 - 5. Discrimination, which includes the use of a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner.
 - 6. Harassment, which includes the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse. Harassment includes behavior that has or would have the effect of unreasonably and substantially interfering with a student's educational

performance, opportunities or benefits, or mental, emotional or physical wellbeing based on the student's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.

7. Intimidation/extortion, which includes engaging in actions or statements that put an individual in fear.
8. "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
9. 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.
10. Selling, using or possessing any obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
13. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Controlled substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-a-like drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
14. Inappropriately using or sharing prescription and/or over-the-counter drugs.
15. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending, or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
16. Gambling.
17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
18. Initiating a report, warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

- E. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on the district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to remain seated and conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

- F. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.

VII. Reporting Violations

All students are expected to promptly report to school staff, chaperones, or other appropriate adult all violations of the Code of Conduct, including but not limited to, threats of violence; possession of a weapon, alcohol, or illegal substance.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by written communication in a timely manner. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

VIII. Disciplinary Penalties, Procedures, Minimum Periods of Suspensions 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.

Disciplinary action, when necessary, will be firm, fair and consistent. School personnel authorized to impose disciplinary penalties will consider the following:

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

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

If the conduct of a student is related to an identified disability, Special Education regulations will be followed.

A. Penalties

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

1. Oral and written warnings– any member of the district staff
2. Written notification to parent – counseling staff, teachers, principal, superintendent, or any other member of the district staff, in consultation with the building principal or his/her designee
3. Classroom detention - teachers
4. School detention – principal or his/her designee
5. Suspension from transportation – principal or his/her designee
6. Suspension from athletic participation – coaches, principal or his/her designee
7. Suspension from social or extracurricular activities – activity director, principal or his/her designee
8. Suspension from or loss of other privileges – principal or his/her designee
9. In-school suspension – principal or his/her designee
10. Removal from classroom – teachers (under circumstances defined in the Code), principal or his/her designee
11. Short-term (five days or less) suspension from school – principal or his/her designee
12. Long-term (more than five days) suspension from school – superintendent
13. Permanent suspension from school – superintendent

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

Teachers and principals may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the 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 or his/her designee. In such cases the student's parents will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to suspension from attendance, where no alternate public or private transportation is available, the district will make appropriate arrangements to provide for the student's instruction as pursuant to state law.

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 copy of the Extra Curricular Eligibility Rules of the District, and are entitled to the appeals process stated in this document.

4. **In-school suspension**

The Board authorizes building principals or his/her designee to place students who would otherwise be suspended from school, as the result of a Code of Conduct violation, into in-school suspension. The in-school suspension teacher will be a certified teacher or school staff member under the supervision of the building principal, or his/her designee.

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 a supervised location; (2) sending a student into the hallway briefly; or (3) sending a student to a counselor or other district staff member for assistance. Time-honored classroom management techniques such as these do not constitute disciplinary removals for the purpose 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. Examples of substantial disruption of the educational process include:

- Using language or gestures that are profane, lewd, vulgar or abusive.
- Failing to comply with the reasonable request of a teacher
- Engaging in conduct that is violent or could result in violence
- Possessing a weapon
- Intentionally damaging or destroying school property or the property of others in the classroom
- Intimidation which includes actions or statements that cause an individual to be afraid
- Using or possessing tobacco, alcohol or other illegal substances

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

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

If the student poses a danger of 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 his or her designee as soon as possible, but not 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 when possible prior to the beginning of classes on the next school day.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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 teacher may be required to attend this informal conference. The timing of the informal meeting may be extended by mutual agreement of the parents and the principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed after a hearing as prescribed by law.

The principal or his designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business day 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 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 the state or federal law or regulation. A student with a disability may be temporarily excused from the classroom if his behavior is substantially disruptive.

6. Suspension from school

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a

violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a. **Short-term (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 in writing that the student may be suspended from school

The written notice must be provided by personal delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours, of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five

business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her 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 part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district within ten 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 when 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 and/or a school function and/or possesses, displays or threatens to use the same on school property or at a school function.

Any student, other than a student with a disability, found guilty of bringing a weapon to school and/or a school function and/or possesses, displays or threatens to use the same on school property or at a school function 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.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For the purposes of this Code of Conduct, "repeatedly 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 ten week period. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and student's parent will be given the same notice and opportunity for a hearing given to all students subject to long-term suspension.

D. Referrals

1. Counseling
All counseling referrals shall be made to the Counseling Office.
2. PINS Petitions
The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
 - a. Being habitually truant and/or not attending school as required by part one of Article 65 of the Education Law.
 - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
 - c. Knowingly and unlawfully possess marijuana in violation of Penal Law §221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile 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).
4. Students 16 years old or older and students who are 14 or 15 who qualify for juvenile offender status
The superintendent is required to refer to the appropriate law enforcement authorities any student age 16 years or older, or any student 14 or 15 who qualifies for juvenile offender status, due to possession of a weapon

IX. Alternative Instruction

When a teacher removes a student of any age from a class or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the District will provide alternative means of instruction for the student. When possible, alternative instruction will be provided within one school day.

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 are entitled to 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 actions no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

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

A “removal” means a removal for disciplinary reasons from the student’s current education placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IAES” means a temporary educational placement determined by the committee on special education, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, progress toward the goals set out in the student’s IEP; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the District (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under the subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate

incidents of misconduct, as long as those removals do not constitute a change of placement.

- d. The superintendent may order the placement of a student with a disability into an IAES, to be determined by the committee on special education (CSE), the period of suspension or removal ordered by the superintendent may not exceed the amount of time that a nondisabled student would be suspended for the same behavior. If a student with a disability has inflicted serious bodily injury, upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency, possess a weapon at school or at a school function, or the student knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- (i) “Weapon” means a firearm as defined in 18 U.S.C §921 for purposes of the Gun-Free Schools Act, and dangerous weapon under 18 U.S.C. § 930(g)(w) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, pocket knives, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause physical injury or death when used to cause physical injury or death.

- (ii) “Controlled substance” means a drug or other substance identified in certain provision of the Federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- (iii) “Illegal drugs” means a controlled substance except for those legally possessed used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

- iv) “Serious bodily injury” which 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.

- v) “Manifestation Team” includes a representative of the school district 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 district and the parent.

- 3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a

student with disabilities in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change in Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The District's Committee on Special Education shall:
 - a. a student with a disability is suspended or removed from the student's current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the committee on special education shall:
 - (i) conduct a functional behavior assessment and implement a behavioral intervention plan for such student. Provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change in placement; or
 - (ii) if the student already has a behavior intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the CSE shall meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change in placement.

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

The Manifestation Team shall review:

- (i) all relevant information in the student's file including:
 - (a) the student IEP;
 - (b) any teacher observations, and
 - (c) any relevant information provided by the parents.

The Manifestation Team must make a determination whether:

- (i) the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
- (ii) the conduct in question was the direct result of the school District's failure to implement the IEP.

The parents must receive written notification prior to any manifestation team meeting to ensure that the parent has the opportunity to attend. Notification shall inform the parents of the purpose of the meeting, the names of the individuals expected to attend and inform the parents of their right to have relevant members of the committee on special education participate at the parents' request.

- b. The CSE shall, following a determination that the student's conduct was a manifestation of the student's disability:
 - (i) conduct a functional behavioral assessment and implement a behavioral intervention plan for such student; and
 - (a) except where the student is found guilty of the sale/solicitation of an illegal drug, the student has caused serious bodily injury or the student brought a weapon to school or to a school function, return the student to the placement where 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.
 - (ii) Deficiencies in the IEP or Placement. If while conducting the Manifestation Determination, the school identifies deficiencies in the student's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.
- c. A student with a disability may not be removed from class if imposition of the five (5) school day or ten (10) school day suspensions or removal would result in a disciplinary change of placement based on a pattern of suspensions or removals as

determined by school personnel in accordance with regulation, except where the manifestation team has determined that:

- (i) the behavior was not a manifestation of such student's disability, or
 - (ii) the student is placed in an IAES as authorized by law or regulation.
- d. The interim alternative educational setting and the services to be provided to a student placed in an interim alternative educational setting shall be determined by the CSE. Such setting shall:
- (i) be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those modifications that will enable the student to meet the goals set out in that IEP; and
 - (ii) include, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior that is subject to disciplinary action, that are designed to prevent the behavior from recurring.
- e. During subsequent suspensions or removals for periods of ten (10) consecutive school days, or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, regardless of manifestation determination, students with disabilities shall be provided with services necessary to enable the student:
- (i) to appropriately progress in the general education curriculum;
 - (ii) appropriately advance toward achieving the goals set out in the student's IEP; and
 - (iii) to receive, as appropriate, a functional assessment and behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.
- f. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if in accordance with federal and statutory and regulatory criteria. Except as provided below, a school district shall be deemed to have knowledge that such student has a disability if prior to the time the behavior occurred:
- (i) the parent of such student has expressed 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, provided that such expression of concern may be oral if the parent does not

know how to write or had a disability that prevents a written statement.

- (ii) the parent of the student has requested an evaluation of the student pursuant to the regulations
- (iii) a student's teacher, or other personnel of the district, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the district in accordance with the district's established child find or special education referral system.

Exception: A student is not presumed to have a disability for discipline purposes if, as a result of receiving the information specified above:

- (i) it was determined that the student is not a student with a disability pursuant to this Part.
- (ii) the parent of the student has not allowed an evaluation of the student pursuant to regulations; or
- (iii) the parent of the student has refused services under this Part;

However, if a request for an individual evaluation is made while such nondisabled student is subjected to disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

- g. Change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, up to 45 school days, but not to exceed the period of suspension ordered by the superintendent in accordance with Education Law §3214(3), where the student:
 - (i) Has inflicted serious bodily injury, upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;
 - (ii) Carries or possesses a weapon to or at school, on school premises, or at a school function; or
 - (iii) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
- h. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current

educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

The period of suspension or removal ordered by the superintendent may not exceed the amount of time that a nondisabled student would be suspended for the same behavior.

- j. Superintendent 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 in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- k. The removal of a student with disabilities other than the suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that 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 the CSE determined that the behavior is not a manifestation of the student's disability.
- l. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.
- m. Nothing in this section shall be construed to authorize the suspension or removal of a student with a disability from his or her current educational placement for violation of school rules following a determination by the manifestation team that the behavior is a manifestation of the student's disability, except where the student is placed in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances or the student is placed in an IAES by an impartial hearing officer.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:
 - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. If the parent requests a hearing regarding the change of placement to an IAES by a superintendent of schools or regarding a change in placement by an impartial hearing officer where the district maintains that it is dangerous for the student to remain in his or her current educational placement, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the time period determined by regulation whichever occurs first, unless the parents and the district agree otherwise.
 - (i) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
 - c. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although an impartial hearing officer may grant specific extensions of such time period he or she must mail a written decision to the district and the parents within five (5) days after the last hearing date, and in no event later than 45 school days after receipt of the request for a hearing, without exceptions or extensions.
 - d. IHO may order a change of placement to an appropriate IAES for not more than 45 school days, if the hearing officer:
 - (i) determines that the district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in harm themselves or to others;
 - (ii) considers the appropriateness of the student's current placement;
 - (iii) considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 - (iv) determines that the IAES proposed by school personnel meets the definition set forth above.

For purposes of this section, “substantial evidence” shall mean beyond a preponderance of the evidence.

An IAES ordered pursuant to this section shall be determined by the CSE.

E. Referral to law enforcement and judicial authorities

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

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

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 or District functions, power 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 the 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, building principals or their designees, the school nurse and district security officials to conduct searches of students and their belongings, including vehicles on school property, if the

Authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that was proven to be inaccurate.

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 a 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, students will be present when their possessions are being searched, and two adults will be present.

A. Student's 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 cars, 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. 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 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 students and 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 (direct knowledge) – not simply reasonable cause – to believe that 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 the search

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

C. Documentation of Searches

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

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

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 items are turned over to the police. The principal or his/her designee shall be responsible for personally delivering dangerous or illegal items to the 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, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student’s

parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means they must be informed of their Miranda warning and other legal rights.

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 a 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 the building principal or his/her designee. The principal or his or her designee shall set the time and the 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 be 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 Board encourages parents and other district citizens to visit the District's schools and classrooms to observe the work of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

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, during regular school hours, must sign a visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in school or on school grounds. The visitor must return the identification badge before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal or his/her designee, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules 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 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 other person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. 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.
10. Use tobacco or tobacco products 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 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.

B. Penalties

Persons who violate this code shall be subject to the following penalties in addition to those prescribed by law as enforced by law enforcement officials:

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 or arrest by law enforcement personnel.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements and the appropriate Building Code of Conduct.
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 disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to a 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/her designee shall be responsible for enforcing the conduct required by this Code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function.

The District shall initiate disciplinary action against any student or staff member, as appropriate, within 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

Dissemination of Code of Conduct

The Board of Education will review this Code of Conduct every year and update it as necessary. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption. 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 an age-appropriate, plain language version, at a general school assembly held at the beginning of each school year.
2. Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.
3. Providing all current teachers and other staff members with a copy of the code and any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

The board will sponsor an in-service 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 in-service programs pertaining to the management and discipline of students.