



# **CODE OF CONDUCT**

**2019-2020**



## I. INTRODUCTION

The Board of Education (the “Board”) of the Roosevelt Union Free School District (the “District”) 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 visitors is essential to achieving this goal.

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 District adopts this Code of Conduct (“Code”). This document will be reviewed on a periodic basis.

Unless otherwise indicated, this Code applies to all students, school personnel, parents and visitors while on school property, while at a school function or while at a District-sponsored event. This Code also applies to off-campus conduct by students, school personnel, parents and visitors (including, but not limited to, conduct on social media, the internet, e-mail, text message or other electronic forum) when that conduct endangers the health or safety of students or staff; can be reasonably expected to materially and substantially disrupt the educational process of the school environment; or otherwise materially and substantially adversely affects the educational process.

## II. DEFINITIONS

For purposes of this Code, the following definitions apply:

“Discrimination” is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs. The New York Dignity for All Students Act (“DASA”) and this Code prohibit discrimination against any student by a student or employee. This prohibition includes, but is not limited to, discrimination based on a student’s actual or perceived race (which includes traits historically associated with race including, but not limited to, hair texture and protective hairstyles, including braids, locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender status, sex or gender (which includes gender identity or expression).

“Disruptive student” means an elementary or secondary student under the age of 21 who substantially interrupts the educational process or substantially interferes with the teacher’s authority over the classroom and/or the learning of other students.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Gender identity” means a person’s self-conception as being a member of a particular sex, as distinguished from sex assigned at birth.

“Gender expression” means the manner in which a person represents or expresses gender to others (for example, through behavior, clothing, hairstyle; *etc.*).

The terms “harassment” and “bullying” mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition, the term “threats, intimidation or abuse” includes verbal and non-verbal actions.

Acts of “harassment” or “bullying” include, but are not limited to, those acts based on a person’s actual or perceived race (which includes traits historically associated with race including, but not limited to, hair texture and protective hairstyles, including braids, locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender status, sex or gender (which includes gender identity or expression).

“Bullying” also includes unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or is reasonably likely to be repeated, over time. Bullying, which includes cyberbullying, includes actions such as making threats, spreading rumors, attacking someone physically or verbally and excluding someone from a group on purpose. Bullying can occur both during school hours and outside of the school day.

“Cyberbullying” means bullying or harassment, as those terms are defined in this Code, through any form of electronic communication (including, but not limited to, through the use of text, photographs, images or other conduct using the Internet, cell phone, computer or other form of electronic communication).

In the employment context, “harassment” is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race (which includes traits historically associated with race including, but not limited to, hair texture and protective hairstyles, including braids, locks and twists), color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment. Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or

group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace or posted on the Internet.

"Hazing" means an induction, initiation or membership process involving an act taken or situation created to produce public humiliation, physical or emotional discomfort, bodily injury or public ridicule and/or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or ridicule is likely to occur.

"Illegal substance" includes, but is not limited to, the following, other than in accordance with the District's procedures for the administration of prescription drugs in school: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, synthetic cannabinoids, steroids, look-alike drugs, any substances commonly referred to as "designer drugs" and prescription drugs possessed or consumed by an individual for whom no prescription has been issued.

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

"School function" means any school-sponsored extra-curricular event or activity on or off school property that the District has approved or sanctioned.

"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 the District, or in or on a school bus. The term "school bus" includes every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of students, children of students, 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 students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school activities.

"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. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens to use a weapon or threatens to cause physical injury or death, while on school property or at a school function.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school District property (for example, vandalism).

"Visitor" means anyone who is not a regular staff member or student of the school.

“Weapon” means a firearm as defined in 18 U.S.C. § 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, 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. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. Student Rights**

The District is committed to safeguarding the rights given to all students pursuant to 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 in accordance with DASA.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Students who make a complaint or participate in the investigation of a complaint, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

DASA provides that no student will be subjected to harassment or bullying on school property or at a school function. DASA also provides that no student will be subjected to discrimination by employees or students on school property or at a school function based on their actual or perceived race (which includes traits historically associated with race including, but not limited to, hair texture and protective hairstyles, including braids, locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender status, sex or gender (which includes gender identity or expression). Nothing in this paragraph or within this Code is to be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible pursuant to Education Law § 3201-a or pursuant Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681, *et. seq.*) or to prohibit, as discrimination based on disability, actions that would be permissible pursuant to Section 504 of the Rehabilitation Act of 1973.

The Board believes that no student should be subjected to harassment, intimidation, discrimination or bullying by any school employee or student. All forms of harassment, intimidation, discrimination or bullying are strictly prohibited and will not be tolerated on school property or at school functions.

The District will conduct a prompt, impartial and complete investigation into all reports and complaints of bullying, cyberbullying, retaliation, discrimination and harassment and will

take prompt corrective action where appropriate. The District will support this commitment in all aspects of the school community, including within curricula, instructional programs, staff development and extracurricular activities.

## **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 self, other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations concerning student conduct including, but not limited to, this Code and DASA.
3. Attend school every day, unless legally excused, and be in class on time and 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 manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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.
12. Be forthcoming with information concerning violations of this Code, or threats against the school, staff or students.
13. Report to school personnel when feeling threatened or unsafe.
14. Adhere to existing school policies related to electronic devices.

## **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/guardians and the school community.
2. Ensure their children attend school regularly, on time, and ready to participate and learn.
3. Ensure their child's (children's) absences are excused.
4. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
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 school staff and other children.
8. Help their children deal effectively with peer pressure and stress from school.
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. Communicate information concerning violations of the Code.

**B. District Employees**

All District employees are expected to:

1. Maintain a climate of mutual respect and dignity.
2. Be forthcoming with information concerning violations of this Code.
3. Dress appropriately for school and school functions.
4. Have social media contact with students solely for educational and co-curricular purposes.
5. Be aware of and discourage harassment, bullying and discrimination.

**C. Teachers**

In addition to the expectations found above in Paragraph B of this Section, all District teachers are expected to:

1. Maintain a climate that will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements;
  - b. Marking/grading procedures;
  - c. Assignment deadlines;
  - d. Expectations for students; and
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Be fully invested in the learning experience with their students.
8. Address issues of bullying, discrimination, harassment or any other situation that threatens the emotional or physical health or safety of any student in accordance with District policies and regulations.
9. 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, sex or any other protected characteristic, which will strengthen students' self-concept and promote confidence to learn.



10. Report violent students' violation of this Code to the principal or Superintendent.

**D. School Counselors/Social Workers/School Psychologists**

In addition to the expectations found above in Paragraph B of this Section, all School Counselors/Social Workers/School Psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Address issues of bullying, discrimination, harassment or any other situation that threatens the emotional or physical health or safety of any student in accordance with District policies and regulations.
7. 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, sex or any other protected characteristic, which will strengthen students' self-concept and promote confidence to learn.

**E. Principals/Building Administrators**

In addition to the expectations found above in Paragraph B of this Section, all Principals/Building Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment and support active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate all instructional programs on a regular basis.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing this Code and ensuring that all disciplinary matters are resolved promptly and fairly.
6. Be forthcoming with information concerning violations of this Code.
7. Address issues of bullying, discrimination, harassment or any other situation that threatens the emotional or physical health or safety of any student in accordance with District policies and regulations.
8. 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, sex or any other protected characteristic, which will strengthen students' self-concept and promote confidence to learn.

**F. Superintendent of Schools**

In addition to the expectations found above in Paragraph B of this Section, the Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment and support active teaching and learning.
2. Review with District administrators Board policies 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 this Code and ensuring that all disciplinary matters are resolved promptly and fairly.
6. Ensure that this Code is available and easily accessible to all students.
7. Address issues of bullying, discrimination, harassment or any other situation that threatens the emotional or physical health or safety of any student in accordance with District policies and regulations.
8. 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, sex or any other protected characteristic, which will strengthen students' self-concept and promote confidence to learn.

**G. Dignity Act Coordinators**

The Dignity Act Coordinators are expected to:

1. Coordinate and enforce the District's Dignity for All Students Act policy.
2. Promote a safe, orderly and stimulating school environment and support active teaching and learning for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender status, sex, gender, or any other protected characteristic.
3. Identify curriculum resources that support infusing civility in classroom instruction and provide guidance to staff regarding how to access and implement those resources.
4. Coordinate staff training in DASA and bullying prevention.

**Dignity Act Coordinator Contact Information**

The contact information for the District-wide DASA Coordinator is provided below:

Ms. Michele Van Eyken  
Assistant Superintendent for Elementary Education  
Central Administration, 240 Denton Place, Roosevelt, NY 11575

[mvaneyken@rufsd.org](mailto:mvaneyken@rufsd.org) 516-345-7006/7018

The contact information for each school building's Dignity Act Coordinator is provided below:

<b>Coordinator</b>	<b>Title</b>	<b>Building/Location</b>	<b>Contact number</b>
Vivian Mott	Social Worker	High School	516-345-7228
Renuka Jhoda McCreight	School Psychologist	Middle School	516-345-7803
Asha Cupid	Guidance Counselor	Middle School	516-345-7712
Beverly Torres	Social Worker	Middle School	516-345-7741
Amanda DeNezzo	School Psychologist	Middle School	516-345-7863
Nicole Charles	Speech Therapist	Middle School	516-345-7740
Laurie Buevas- Kritas	Social Worker	Washington-Rose	516 345-7663
Nicole Rivera	Teacher	Washington-Rose	516 345-7074
Lidia Swinkin	School Psychologist	Centennial Ave	516 345-7442
Desrine Johnson	Teacher	Ulysses Byas	516 345-7555
Seniha Purisic	School Psychologist	Ulysses Byas	516 345-7547

*The above contact information will be posted on the District's website and included in the plain language summary of this Code of Conduct that is provided to parents and students and will be further disseminated in accordance with applicable laws and regulations.*

## **V. STUDENT DRESS CODE**

Students are required to abide by any dress code implemented by their school, in addition to the provisions below. Building Principals, or their designees, are responsible for informing all students and their parents/guardians of the student dress code for the school building at the beginning of the school year and at any point throughout the school year if the student dress code is amended in any way.

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Reflect that extremely brief garments, strapless garments, see-through garments and plunging necklines, front and/or back, are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Cover midriff.

5. Include footwear at all times. Footwear that is a safety hazard is not allowed on school property.
6. Not include the wearing of hats, do-rags or other head coverings in the classroom, except at building level discretion, or for a medical or religious purpose.
7. Not include items (images, photographs, text; *etc.*) that are vulgar, obscene, discriminatory, inflammatory or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability or any other legally protected characteristic.
8. Not include items (images, photographs, text; *etc.*) that are violent or encourage violence or gang violence.
9. Not promote, endorse or display alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Students who violate the student dress code set forth above will 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 will be subject to discipline, up to and including suspension. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including suspension.

## **VI. PROHIBITED STUDENT CONDUCT**

The Board 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 Board recognizes the need to make specific and clear its expectations for student conduct while students are on school property or engaged in a school function. 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 choose not to accept responsibility for their own behavior and who violate this Code will be required to accept the penalties or consequences for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they violate the rules and/or regulations of the school they attend and/or:

### **A. Engage in conduct that is disorderly.**

Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using gestures or language that is 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. Encouraging others to engage in any willful act that disrupts the normal operation of the school community, including, but not limited to, serving as an active bystander.
7. Trespassing. Students are not permitted on school premises, in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
8. Misusing computer/electronic communications, 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. Possessing or using laser pointers, shocking devices or other devices that may cause disruption or danger to others.
10. Engaging in and encouraging electronic cyberbullying, such as inappropriate postings on social media sites, inappropriate text messages or any other electronic communication that may present a disruption to the normal operation of the school.
11. Bullying, harassing and/or discriminating against others.

**B. Engage in conduct that is insubordinate or disruptive.**

Examples of insubordinate or disruptive conduct include, but are not limited to:

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

**C. Engage in conduct that is violent.**

Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching or 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 or 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 what appears to be a weapon.
5. Threatening to use any object to cause bodily harm.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property. Acts of damage include graffiti and arson.
7. Intentionally damaging or destroying District property.
8. Using, selling, distributing or possessing fireworks or other dangerous instruments or contraband.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of self or others.**

Examples of conduct that endangers the safety, morals, health or welfare of self or others include, but are not limited to:

1. Lying to school personnel.
2. Stealing or attempting to steal the property of other students, school personnel or any other person on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harms the reputation of the person or the identifiable group.
4. Harassment, bullying or discrimination, as those terms are defined above in this Code, including sexual harassment.
5. Intimidation, threats, coercion or extortion, which includes engaging in actions or statements that put an individual in fear of bodily harm.
6. Hazing, as that term is defined above in this Code.
7. Cyberbullying, as that term is defined above in this Code.
8. Selling, using, distributing, posting or possessing obscene material in print or digital media.
9. Using vulgar or abusive language or gestures.
10. Gambling (including, but not limited to, online gambling).
11. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
12. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher without a valid reason to do so.
13. Participating in, watching, recording or electronically transmitting any inappropriate content, including, but not limited to, sexting (which includes the sending, receiving, or forwarding of sexually provocative nude or nearly nude photos through text message, e-mail or other means of electronic communication).
14. Retaliating against those who report or participate in the investigation of an incident in conformity with State or federal law and/or District policies.
15. Subjecting students, school personnel or any other person on school property or attending a school function to danger by recklessly engaging in conduct that creates a substantial risk of physical injury or death.
16. Possession of ammunition.
17. Smoking and/or possessing a cigarette, electronic cigarette, cigar or pipe.
18. Using and/or possessing chewing or smokeless tobacco or any other nicotine product.
19. Possessing, using, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. The term "illegal substance" includes, but is not limited to, the following (other than in accordance with the District's procedures for the administration of prescription drugs in school): inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, synthetic cannabinoids, steroids, look-alike drugs, any substances commonly referred to as

- “designer drugs” and prescription drugs possessed or consumed by an individual for whom no prescription has been issued.
20. Possessing, selling, or using any drug paraphernalia.
  21. Inappropriately using or the unauthorized possession of prescription or over-the-counter drugs. Please refer to the Health Office guidelines regarding prescription use.
  22. Selling, using or possessing weapons, fireworks or other dangerous instruments or contraband.

**E. Engage in misconduct while on a school bus.**

It is crucial for students to behave appropriately while riding on the bus 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, fighting, throwing objects, or obstructing the aisle will not be tolerated.

**F. Engage in any form of academic misconduct.**

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Accessing student records without prior authorization from a District administrator.
5. Altering student records.
6. Illegally obtaining tests or exams in advance.
7. Assisting another student in any of the above actions.

**G. Engage in inappropriate use of technology/social media.**

Examples of inappropriate use include, but are not limited to:

1. Using any recording device including, but not limited to, cell phones, drones, GoPro's, *etc.*, to photograph, create, or manipulate an audio or video recording on school property, at a school event or on a school bus where such conduct would otherwise violate this Code.
2. Taking or manipulating photographs, video or audio of any school personnel without prior permission.
3. Sending, posting or otherwise distributing a photograph, video or audio recording made on school property, at a school event or on a school bus where such conduct would otherwise violate this Code (for example, to engage in cyberbullying).
4. Using technology, including, but not limited to, e-mail, text, instant message, blogs, chat rooms, cell phones, websites, internet or gaming systems to deliberately harass, threaten or intimidate others or create a disruption to the operation of the school.
5. Sending, posting or otherwise distributing suggestive, nude or semi-nude photographs.

6. Any violation of specific age-appropriate policies established by each school.
7. Any unauthorized use of the District logo, name, letterhead or communication system.
8. Using headphones that interfere with the student's ability to hear verbal directives, alarms and/or warnings, without prior authorization from the school.

**H. Engage in off-campus conduct that endangers the health or safety of students or staff; can be reasonably expected to materially and substantially disrupt the educational process of the school environment; or otherwise materially and substantially adversely affects the educational process.**

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of this Code to a teacher, school counselor, the building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function is expected to immediately report this information to a teacher, the building Principal, the Principal's designee or the Superintendent.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible. Such action will be followed by notification to the parent/guardian of the student involved and appropriate disciplinary sanction, if warranted, will be taken, which may include permanent suspension. Administration may contact law enforcement (police) at their discretion.

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 a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code and constituted a crime.

Students and their parents/guardians are encouraged to report alleged incidents of discrimination, harassment and/or bullying in accordance with the District's DASA policy.



## **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. If a student is found responsible for a violation of this Code, the disciplinary penalties will be determined in light of the following:

1. The student's age/grade.
2. The nature of the offense and the circumstances that 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.

For students with disabilities or for students presumed to have a disability, refer to Section X in this Code regarding discipline procedures.

### **A. Penalties**

Students who are found to have violated the District's Code of Conduct may be subject to the below-listed 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 the applicable level of due process.

1. Verbal warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, building administrators such as Principal and Assistant Principals, and Superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, Superintendent.
4. Detention – teachers, Principal, Superintendent.
5. Suspension from transportation – Principal, Assistant Superintendent, Superintendent.
6. Suspension from athletic participation – coaches, athletic director, Principal, Superintendent, or Superintendent's designee.
7. Suspension from social or extracurricular activities – activity advisor, Principal, Superintendent, or Superintendent's designee.
8. Suspension of other privileges – Principal, Superintendent, or Superintendent's designee.
9. In-school suspension or full-day detention – Principal, Superintendent or designee.
10. Removal from classroom by teacher – teachers, Principal or designee.

11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education.
12. Long-term (more than five days) suspension from school, subject to a Superintendent's hearing – Superintendent, Board of Education.
13. Permanent suspension from school – Superintendent, Board of Education.

Corporal punishment is any act of physical force upon a student for the purpose of punishing or disciplining that student. The use of Corporal punishment by any District employee is strictly forbidden.

The District reserves the right to seek restitution, in accordance with the law, from the parent/guardian and/or student for any costs or damages incurred by the District because of violations of this Code.

## **B. Disciplinary Procedures**

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

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

### **1. Detention**

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

### **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 or the Superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the 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. Suspension from BOCES and Other Outside Activities**

BOCES activities, such as field trips and other activities outside the school building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is considered an act within the District itself. A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**5. Teacher disciplinary removal of disruptive students**

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

*Notice and Opportunity to be Heard*

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 of why he or she is being removed and provide the student with an opportunity to explain his or her version of the relevant events before the student is removed.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student be removed immediately. Within 24 hours after the student's removal, however, the teacher must 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.

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

The teacher must complete a District-established “Student Removal Form” and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day or prior to the start of classes the following day, to explain the circumstances of the removal and to present the “Student removal Form.” If the Principal or his/her 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.

### ***Parental Notification and Information Conference***

Within 24 hours after the student’s removal, the Principal or another building or District administrator designated by the Principal must notify the student’s parents/guardians, in writing, that the student has been removed from class and why. The notice 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 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/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the parents/guardians. The Principal or designee may require the teacher who ordered the removal to attend the informal conference.

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

### ***Overturing the Removal***

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

1. The charges against the student are not supported by substantial evidence;
2. The student’s removal is in violation of law or in violation of this Code; or
3. 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 or designee makes a final determination, or the period of removal expires, whichever is sooner.

### ***General Considerations***

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. The teacher shall provide appropriate assignments in writing to keep the student up to date on class work.

Both the teacher and the Principal will maintain a copy of the completed log relating to the removal. This log will be on a District-provided form. 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 pursuant to State or federal law or regulation.

## **6. In-School Academic Reassignment**

The Board recognizes that 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 the Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a violation of this Code to "in-school suspension" or "academic reassignment." The in-school suspension or academic reassignment teacher will be a certified teacher.

A student who receives in-school suspension or an academic reassignment is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parents/guardians will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension or academic reassignment to discuss the conduct and the penalty involved.

## **7. Suspension from school**

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. 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 of the charge of misconduct. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents/guardians in writing that the student may be suspended from school.

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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents 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 informal conference, the Principal shall promptly advise the parents/guardians in writing of his or her decision. The Principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the

matter, they must file a written appeal to the Superintendent within 30 calendar days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 30 calendar 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 30 calendar 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 of Education within 30 calendar 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/guardians of their right to a fair hearing pursuant to Education Law § 3214. This notice shall include that, at the hearing, the student will have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his/her behalf.

At the hearing, the student will have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his/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 to the Superintendent as to the guilt or innocence of the student and the appropriate measure of discipline, if any. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

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

**8. Permanent suspension**

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

### **C. Minimum Periods of Suspension**

#### **1. Possession of a Weapon**

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

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

#### **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/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same five factors outlined above for consideration of a modification to a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability\*, who repeatedly is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code, "repeatedly is substantially disruptive" means engaging in conduct that results in the student's being removed from the classroom by teacher(s) pursuant to Education Law § 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the



student's parents/guardians 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/guardians 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 five factors outlined above for consideration of a modification to a one-year suspension for possessing a weapon.

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

#### **D. Disciplinary and Remedial Consequences for Bullying, Harassment and Discrimination**

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, intervention, education and discipline. Remedies will be measured, balanced, progressive and age-appropriate and will take into consideration the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the offending student's behaviors had on the individual who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate any hostile environment. Successful intervention may involve remediation.

Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:

- Peer support groups;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling; and/or
- Parent conferences.

Beyond these individually focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and/or discrimination. Environmental remediation may include, but is not limited to:

- Supervisory systems that empower school staff with prevention and intervention tools to address incidents of bullying, harassment and/or discrimination;
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and/or other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops; and/or
- Peer support groups.

If appropriate, disciplinary action will be taken in accordance with this Code, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, harassment or discrimination towards a District student, to act in accordance with this Code and with the Board's Dignity for All Students Act policy.

## **E. Referrals**

### **1. Counseling**

The Counseling Department, Pupil Personnel Services and/or any other office or staff designated by the Superintendent or building Principal shall handle all referrals of students to counseling.

### **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 not attending school as required by Part I of Article 65 of the Education Law;
- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; and/or
- c. Knowingly and unlawfully possesses marijuana or any other drug 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 appropriate law enforcement authorities for prosecution by 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 pursuant to 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.

### **X. DISCIPLINE OF STUDENTS WITH DISABILITIES OR STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES**

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.

For purposes of this Section of the Code, the following definitions apply:

“Student presumed to have a disability for discipline purposes” means a student who the District is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action in accordance with the criteria set forth in Section 201.5(b) of Part 200 of the Regulations of the Commissioner of Education.

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

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

An “IAES” means a temporary educational placement for a period of up to 45 days determined by the Committee on Special Education (CSE), other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue

to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in the IEP, and include services and modifications to address the behavior that precipitated the IAES placement that are designed to prevent the behavior from recurring.

**A. Authorized Suspensions or Removals of Students with Disabilities**

1. 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 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 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 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 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 placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE) for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days if the student: (i) carries or possesses a weapon to school or to a school function; (ii) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily injury has been defined as a substantial risk of death, extreme physical pain, or protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
    - 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w), which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."

- 2) “Controlled substance” means a drug or other substance identified in schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812[c]).
  - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
2. Subject to specified conditions required by both federal and State law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of 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, because the student’s behavior is substantially similar to the student’s behavior that was the subject of the previous suspension(s) or removal(s) 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. 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, controlled substances or the infliction of serious bodily injury.

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

1. The District’s Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or

imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs, controlled substances or the infliction of serious bodily injury.

If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 of the Education Law at the time of the misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and State law and regulations if, in accordance with federal and State statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The Superintendent, building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

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

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in 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.

3. The District shall provide parents/guardians 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.

4. The parents/guardians 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/guardians of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for

a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. 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.

#### **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. 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.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
    - 2) 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.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.



**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 whom a crime is reported in accordance with applicable law.

**XI. 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 this Code. 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 parents/guardians 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, building Principal's designee and the school nurse to conduct searches of students and their belongings if the authorized school official has reasonable grounds to suspect that the search will reveal evidence that the student violated the law, this Code or a school rule. Whenever possible, at least one other staff member will be present as a witness. To the extent that the circumstances allow, school personnel will attempt to notify the parent/guardian prior to a search.

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, such as, but not limited to, phones, electronics and backpacks, based upon information received from a reliable informant. Individuals, other than District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, such as, but not limited to, phones, electronics and backpacks, the authorized school official should allow the student the

opportunity to admit that he or she possesses physical evidence that he/she violated the law, this Code or a school rule.

The scope of the search will be reasonably related to the objectives of the search and will not be excessively intrusive in light of the age and sex of the student and the nature of the alleged infraction.

Whenever possible, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Whenever possible, searches will be conducted by a staff member of the same sex of which the student identifies and, whenever possible, at least one other staff member will be present as a witness.

**A. Student Lockers, Desks and other School Storage Places**

The rules in this Code regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks 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. Documentation of Searches**

The authorized school official conducting the search shall be responsible for maintaining a written record including the following information about each search:

1. Name, age and grade of student searched.
2. Reason for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search (that is, what belongings were searched).
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) were 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, or any evidence pursuant to an ongoing investigation, including, but not limited to, electronic recording devices. 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) is 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.

### **C. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed 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:

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

### **D. 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 his or her designee. The Principal or designee may ask the child protective services employee to provide photographic employment identification establishing that the individual seeking to interview a student is, in fact, a child protective services employee. The Principal or his or her designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services

worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school District official of the opposite identified gender.

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.

## **XII. VISITORS TO THE SCHOOLS**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors must comply with this Code, any procedures developed by District-wide or Building-level administrators regarding school visits and with all other applicable District policies, regulations or procedures.
3. All visitors should call in advance, whenever possible, and make an appointment with the school employee they wish to visit.
4. All visitors to the school must enter through the designated single point of entry and show identification before entering. Upon verification of purpose of visit, admission will be granted. Upon entry, 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 security desk before leaving the building.
5. Visitors attending school functions after regular school hours that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to sign in.
6. Parents or citizens who wish to observe a classroom while school is in session must arrange such visits in advance with the administrator and classroom teacher(s), so that class disruption is kept to a minimum.
7. Visitors should not expect to take class time to discuss individual matters.
8. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
9. School facilities and grounds are primarily for the use of students. They are not available for public use during the hours that school programs are in progress absent Board of Education approval.

### **XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly and 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” means all persons when on school property or attending a school function, including students, teachers and District personnel.

The expectations for the public’s conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, maintain order and prevent infringement on 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 for which 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, destroy or remove District property or the property of a District employee or any other person lawfully present on school property. Acts of damage include graffiti and arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at a school function that are obscene, advocate illegal action, obstruct the rights of others or are otherwise disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, ethnic group, religion, religious practice, age, disability, sex, sexual orientation, transgender status, gender (which includes a person’s gender identity and expression) or any other protected basis or characteristic.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed without authorization.
7. Obstruct the free movement of any person in any place to which this Policy applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of any of these beverages or substances on school property or at a school function.
10. Possess or use firearms or other weapons. 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. The term “weapon,” as used in this Code, means a firearm as defined in 18 U.S.C. § 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, 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.
11. Loiter on or about school property.
  12. Gamble on school property or at school functions without legal authorization.
  13. Refuse to comply with any lawful and reasonable order of identifiable District officials performing their duties.
  14. Willfully incite others to commit any of the acts prohibited by this Code.
  15. Violate any federal or State statute, local ordinance or Board policy while on school property or while at a school function.
  16. Smoke or use a cigarette, cigar, pipe, electronic cigarette, vape device, hookah pen, or use chewing or smokeless tobacco or any nicotine-related product on school property or at a school function.
  17. Exhibit spectator conduct detrimental to the safe and orderly functioning of a District event or function.
  18. Skateboard on school property.
  19. Possess ammunition.
  20. Use profanity or other language that is not appropriate in the school environment.

## **B. Penalties**

Persons who engage in the prohibited conduct outlined in the preceding paragraph may be subject to the following penalties:

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function may be withdrawn and they may be directed to leave the premises. If they refuse to leave, they may be subject to trespassing violations filed by the District with the Nassau County Police Department.
2. Students: They may be subject to immediate ejection and/or to disciplinary action in accordance with the Code of Conduct and applicable law.
3. Staff members: They may be subject to immediate ejection and/or to warning and/or disciplinary action up to, and including, termination of employment in accordance with applicable law, contract or other applicable legal rights.
4. Spectators: They may be subject to immediate ejection from the athletic or school event and school property, including parking lot, whether the function is on or off campus. If they refuse to leave, they may be subject to trespassing violations filed by the District with the Nassau County Police Department.

## **C. Enforcement**

The building Principal or his/her designee shall be responsible for enforcing the conduct required by this Code. The Principal may designate other District staff who are authorized to take action consistent with this Code.

When the Principal or his/her designee sees an individual engaged in conduct that violates this Code, which in his/her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall, if deemed safe to do so, tell the individual that the behavior is not allowed and attempt to persuade the individual to stop.

The Superintendent 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, in accordance with the provisions of this Code. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating this Code.

#### **XIV. DISSEMINATION AND REVIEW OF THE CODE OF CONDUCT**

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

1. Providing a plain-language overview of the Code to all students through hard copy, the school website, the district calendar and/or presentations to students. A full copy of this Code will be made available on the website.
2. Mailing a summary of the Code written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers and other staff members with access to the Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code when they are first hired.
5. Making the Code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code. 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.

The Board of Education will review this Code every year and revise 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 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 and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.