

**MASSENA CENTRAL
SCHOOL DISTRICT**

CODE OF CONDUCT

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CHAPTER I

INTRODUCTION

1. The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents, and other visitors is essential to achieving this goal.
2. It is the belief of the Massena Central School District that each student should be treated as an individual who can reasonably be expected to be responsible for his/her own behavior. The school administration will assist students by having clearly communicated rules of conduct that focus on safety and respect for the rights and property of others. Students who will not accept this responsibility and violate school rules will be required to accept the consequences for their behavior.
3. The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.
4. The Board of Education of the Massena Central School District has adopted and implemented District Policy 7310 "School Conduct and Discipline" designed to promote responsible behavior. To ensure that discipline when necessary is administered promptly and fairly, District Regulations 7310R, 7310R.1 and 7310R.2 define the expectations for acceptable conduct on school property and identifies the possible consequences of unacceptable conduct.
5. Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

CHAPTER II

DEFINITIONS

1. **DISRUPTIVE STUDENT**: means an elementary, junior high or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
2. **PARENT**: means parent, guardian or person in parental relation to a student.
3. **SCHOOL PROPERTY**: means in or within any building, structure, athletic field, playground, parking lot or land contained within the real property boundary line of a public elementary, junior high or secondary school, or in or on a school bus and/or chartered bus.
4. **SCHOOL FUNCTION**: means any school-sponsored extra-curricular event or activity.
5. **VIOLENT STUDENT**: means a student under the age of 21 who:

Commits an act of violence upon a school employee, or attempts to do so.

Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.

Possesses, while on school property or at a school function, a weapon as defined below and in 18 USC section 921 of Education Law.

Displays, while on school property or at a school function, what appears to be a weapon.

Threatens, while on school property or at a school function, to use a weapon or any instrument capable of causing physical injury or death.

Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

Knowingly and intentionally damages or destroys school district property.

6. **WEAPON:** means a firearm as defined in 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, 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. Students found in possession of a weapon will be dealt with in accordance with School District Policy 7361, School District Regulations 7360R, 7361R and the Gun-Free Schools Act of 1994.

CHAPTER III

STUDENT RIGHTS AND RESPONSIBILITIES

Every student has the right to learn and every teacher has the right to teach. No student has the right to keep another student from learning or any teacher from teaching.

A safe learning environment in which there is a mutual respect between teacher and student must be established and maintained. Parents, teachers, counselors, administrators, and students must work together as educational partners.

1. STUDENT RIGHTS

The district is committed to safeguarding the rights given to all students under state and federal law. All students who are in attendance in public schools have certain inalienable rights that are protected under the law. This "Bill of Rights" must apply to every student, without discrimination of any kind, and must apply equitably in all instances.

The principal shall assume the administrative responsibility and instructional leadership for planning, management and operation of the school to which he/she is assigned. The faculty and staff shall assist in an orderly operation of the school and ensure the rights of students.

All the above are done under the supervision of the Superintendent and in accordance with the rules and regulations of the Board of Education.

To promote a safe, healthy, orderly and civil school environment, all district students have the right to:

FREE SPEECH/EXPRESSION: Citizens in our democracy are guaranteed self-expression under the first and fourteenth amendments of the United States Constitution. In a democratic society, one of the

basic purposes of education is to prepare students for responsible self-expression in the following manner:

- 1) To perform and express viewpoints through speaking and writing in a manner that is not obscene, slanderous, or libelous and which is not disruptive to an orderly school environment.
- 2) To assemble peaceably on school grounds or in school buildings. Such assembly shall be consistent with all applicable federal, state and local regulations.
- 3) To refrain from activities which violate the precepts of their religion or holds it up to ridicule.
- 4) To affirm their identity with the American ideals (i.e., pledging allegiance to the flag).
- 5) To establish a free press, governed by the laws of libel and obscenity.

B. COUNSELING: Schools in New York State are required to provide a guidance program for all students. The schools must make guidance information and services available to students and encourage them to use it in the following manner:

- 1) To be informed as to the nature of guidance services available in their school.
- 2) To request counseling assistance.
- 3) To have an annual review of educational progress and career plans individually or in small groups.
- 4) To be counseled when problems develop in the areas of attendance and behavior.

PRIVACY AND PROPERTY RIGHTS:

- 1) To maintain privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material that is prohibited by law or school board policy.
- 2) To attend school in an educational environment in which personal property is respected.
- 3) To enjoy clean and pleasant building facilities and grounds.
- 4) To attend school and school sponsored activities without fear of intimidation, bodily harm or endangerment of health and welfare.

TRANSPORTATION: State law and local regulations specify that all students who are eligible will be transported in an efficient manner as follows:

- 1) Each student has the right to be transported safely to and from school, BOCES, and all school sponsored activities.

ATTENDANCE: Law mandates that school administrators are to enforce the compulsory attendance laws. Regular student attendance will facilitate the development of the skills to function in a modern society as follows. The student is:

- 1) To attend school regularly and attend classes and study halls for the purpose of studying and learning.

- 2) To be informed of the school policies and individual school rules regarding absenteeism and tardiness from school and classes.
- 3) To request make-up assignments from teachers after being absent.

GRADES: Academic grades should reflect the teacher' s most objective measurement of the student's academic performance as follows. The student is:

- 1) To receive a teacher's grading criteria at the beginning of each year or semester (including a rubric for major assignments).
- 2) To receive reasonable notification of failure at any time during the grading period, when it is evident that progress is unsatisfactory.
- 3) To have opportunities to discuss unsatisfactory progress with individual teachers.

STUDENT RECORDS: A well-developed student record file will be maintained that contains information needed for making appropriate decisions for the students. Student records are to be treated confidentially and should contain information that is relevant, accurate and appropriate as follows. The student is:

- 1) To be provided with an opportunity to inspect, review and challenge or rebut information contained in student records.
- 2) To be protected by legal provisions, which prohibit the release of personally identifiable information to others than legally authorized persons, without the written consent of the parent, guardian, or eligible student. Eligible students are those 18 years of age or over and/or those attending a post-secondary institution.
- 3) To be provided with the appropriate trained educational personnel to assist the student or parent in understanding certain school records, such as psychological evaluations, counseling assistance and health data.

CURRICULUM INVOLVEMENT: In curriculum involvement, a balance must be maintained between the contribution of the student body, faculty and administration and that of the complexity and level of the course. Student opinion in this matter is important and should be explained and considered as follows. The student is:

- 1) To have equal educational opportunity with regard to academic programs and extracurricular activities.
- 2) To receive curriculum course descriptions that will help him/her make informed choices.
- 3) To receive instruction in courses of study under competent instructors in an atmosphere free from bias and prejudice and disruption of the learning process.
- 4) To participate in appropriate basic skills programs and academic intervention services throughout his/her school career.

STUDENT RESPONSIBILITIES

All students must understand that individual rights involve associated responsibilities and that individual rights must be viewed in relation to the health, safety and welfare of the majority of the students in the school.

Students who will not accept said responsibility, and violate school rules, will be required to accept the consequences for their behavior. The Massena Central School District firmly believes that students must be held accountable for their behavior, that the consequences must be enforced, and disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

All district students have the right/responsibility to:

FREE SPEECH/EXPRESSION

- 1) Refrain from speech that is slanderous, malicious, or without regard to truth.
- 2) Refrain from inciting others to damage property or physically harm others.
- 3) Act in a manner which preserves the dignity of patriotic observances.

COUNSELING

- 1) To use the guidance services for their own educational and personal improvement.
- 2) To attend all scheduled counseling sessions.
- 3) To work cooperatively with the guidance department by reading all guidance forms and sharing them with parents as appropriate.
- 4) To take the initiative to visit the counselor when problems develop.

PRIVACY AND PROPERTY RIGHTS

- 1) To attend school and other school related activities without bringing materials or objects prohibited by law or school board policy or other items that will detract from the educational process.
- 2) To have respect for school property and personal property of others and to refrain from destruction or damage to such property.
- 3) To take care of the facilities provided by the public and to use the facilities with care and respect.
- 4) To be calm, respectful and reasonable; and to demonstrate courteous behavior to students and teachers.

TRANSPORTATION

- 1) To be on time for the bus each day.
- 2) To behave in a mature, responsible and safe manner.
- 3) To follow the directions of the bus driver at all times.

ATTENDANCE

- 1) To be prompt to homeroom and all classes.
- 2) To behave as mature, responsible persons in all classes and study halls.

- 3) To provide school with required documentation regarding absences and tardiness.
- 4) To remain in all classes and study halls until dismissed.
- 5) To make up work that is missed while absent within a reasonable length of time.

GRADES

- 1) To become informed of the grading criteria.
- 2) To maintain academic performance commensurate with ability.

To make every effort to improve performance upon notification of unsatisfactory progress.

STUDENT RECORDS

- 1) To inform the school of any pertinent information that may be useful in making appropriate educational decisions.
- 2) To authorize release of pertinent information to those individuals or agencies who are working actively and constructively for the benefit of the student.
- 3) To cooperate fully with the instructors and to support school staff and personnel and to seek assistance from guidance staff regarding educational course selection.

CURRICULUM INVOLVEMENT

- 1) To seek, according to interest and ability, participation in academic programs and extra-curricular activities.
- 2) To seek aid in selecting courses from qualified persons in the building.
- 3) To cooperate with instructors and contribute to an atmosphere free from bias and prejudice.

CHAPTER IV

ESSENTIAL PARTNERS

This chapter sets forth certain specific roles expected of parents, volunteers, teachers, guidance counselors, principals, the Superintendent of Schools, and the Board of Education to help maintain safe and orderly schools.

PARENTS: All parents are expected to:

Recognize that the education of their children is a joint responsibility of the parents and the school community.

Send their children to school ready to participate and learn

Ensure their children attend school regularly and on time.

Ensure absences are excused.

Insist their children be dressed and groomed in a manner consistent with the student dress code.

Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

Know school rules and help their children understand them.

Convey to their children a supportive attitude toward education and the district.

Build good relationships with teachers, other parents and their children's friends.

Inform school officials of changes in the home situation that may affect student conduct or performance.

Provide a place for study and ensure homework assignments are completed.

VOLUNTEERS: Volunteers are expected to:

Strengthen school/community relations through positive participation.

Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process.

Assist employees in providing more individualization and enrichment of instruction.

Willingly donate their time and energies to assist principals, teachers, and other school personnel in implementing various phases of school programs.

Hold in strict confidence any information gained through volunteering.

TEACHERS: All district teachers are expected to:

Create a safe, stimulating and nurturing learning environment and assist every student in reaching his/her fullest potential.

Act as a positive role model for students.

Strive for quality and promote pride in all District endeavors while working to fulfill the Mission of the District.

Know school policies and rules, and enforce them in a fair and consistent manner.

Communicate to students and parents:

- (1) Course objectives and requirements
- (2) Marking/grading procedures
- (3) Assignments deadlines
- (4) Expectations for students
- (5) Classroom discipline policies.

Exercise sound judgment and discretion in all aspects of their professional duties.

Function per their job title as outlined in Job Description 1.55.

GUIDANCE COUNSELORS: Guidance counselors are expected to:

Assist students in coping with peer pressure and emerging personal, social and emotional problems.

Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems.

Regularly review with students their educational progress and career plans.

Provide information to assist students with career planning.

Encourage students to benefit from all curricular and extra-curricular programs.

Function per their job title as outlined in Job Description 1.12.

PRINCIPALS: Principals are expected to:

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

Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

Evaluate on a regular basis all instructional programs.

Support the development of students and student participation in appropriate extra-curricular activities.

Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

Act as a role model and function per their job title as outlined in Job Description 1.45.

SUPERINTENDENT: The Superintendent is expected to:

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

Review with district administrators the policies of the Board of Education, State and Federal Laws relating to school operations and management.

Inform the Board about educational trends relating to student discipline.

Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

Function per his/her job title as outlined in Job Description 1.54.

BOARD OF EDUCATION: The Board of Education is expected to:

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

Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

Acts as role models by conducting board meetings in a professional, respectful, courteous manner.

Acts accordingly per Chapter 2 of School Law.

CHAPTER V

STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. The responsibility for appropriate dress and appearance of students should rest with the individual students and parents provided that such attire is not offensive, provocative, outlandish, nor distracting to the school environment. Attire that interferes with the educational process or impinges upon the rights of others will not be tolerated. Clothing and hair styles shall be neat and clean. The school expects reasonable personal hygiene practices to be followed. The administration will determine what is or is not appropriate and is authorized to take action in instances where an individual's dress does not meet these stated requirements.

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.

The Massena Central School District recommends a mode of dress based upon common sense, good taste, current styles and concern for the best interest of the entire student body, as well as, the individual. To that end, a student 's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

Be safe, appropriate and not disrupt or interfere with the educational process.

Recognize that extremely brief garments such as tank tops, tube tops, halter tops, net tops spaghetti straps, mesh shirts, midriff shirts, plunging necklines (front and/or backs) and see through garments, shorts or skirts above mid-thigh length are not appropriate.

Ensure that underwear is completely covered with outer clothing.

Include footwear at all times. Footwear that is a safety hazard will not be allowed.

Not include the wearing of hats of any style other than in the corridor.

Not include items that are distracting or offensive, lewd, vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

Not include any clothing that advertises alcohol, other substances, tobacco, or illegal drugs and/or encourages other illegal and violent activities.

Not include chains, sharp dog collars or bracelets, or anything that could cause injury.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

CHAPTER VI

PROHIBITED STUDENT CONDUCT

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

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

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

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

Engage in conduct that is disorderly:

- 1) Running in the hallways.
- 2) Making unreasonable noise.
- 3) Using language or gestures that are profane, lewd, vulgar or abusive.
- 4) Obstructing vehicular or pedestrian traffic.
- 5) Engaging in any willful act that disrupts the normal operation of the school community.
- 6) Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 7) Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet accounts; accessing inappropriate websites; or any other violation of the district's acceptable use policy (Policy 7370 - "Massena Central Schools MCSNET Student Acceptable Use Guide).

Engage in conduct that is insubordinate such as:

- 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

Engage in conduct that is disruptive such as:

- 1) Failing to comply with the reasonable directions of teachers, administrators or other school personnel in charge of students.

Engage in conduct that is violent such as:

- 1) Committing an act of violence (such as hitting, kicking, punching, scratching or verbally threatening) upon a teacher, administrator, other school employees, another student or any other person on school property or attempting to do so.
- 2) Possessing a weapon. Authorized enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- 3) Displaying what appears to be a weapon.
- 4) Threatening to use any weapon.
- 5) Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- 6) Intentionally damaging or destroying school district property.

Engage in any conduct that endangers the safety, morals, health or welfare of others such as:

- 1) Lying to school personnel.
- 2) Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- 4) Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
- 5) Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- 6) Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

- 7) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- 8) Selling, using or possessing obscene material.
- 9) Using vulgar or abusive language, cursing or swearing.
- 10) Smoking or possession of a cigarette, cigar, pipe or using chewing or smokeless tobacco.
- 11) Possessing, consuming, selling, distributing or exchanging alcoholic beverages, tobacco products or illegal substances, or being under the influence of any. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-a-like drugs, and any substances commonly referred to as “designer drugs”.
- 12) Inappropriately using or sharing prescription and over-the-counter drugs.
- 13) Gambling.
- 14) Indecent exposure, that is, exposure to sight of the private parts of the body.
- 15) Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

Engage in any misconduct while on a school bus. It is crucial for students to behave appropriately as outlined in District Policy 7340 “Bus Rules and Regulations” while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated and will be dealt with in accordance with District Regulations 7340R “Suspension From Bus Transportation”.

Engage in any form of academic misconduct such as:

- 1) Plagiarism
- 2) Cheating
- 3) Copying
- 4) Altering records
- 5) Assisting another student in any of the above actions.

CHAPTER VII

REPORTING VIOLATIONS

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

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a firm, prompt, fair, legal and timely manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who

shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or his/her designee must notify the appropriate law enforcement agency of those code violations that constitute a crime and 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/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed (within 24 hours) or on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

CHAPTER 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.

1. DISCIPLINARY ACTION, when necessary, will be firm, fair and consistent so as to be the most effective in changing students behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:
 - a) The student's age
 - b) The nature of the offense and the circumstances which led to the offense
 - c) The student's prior disciplinary record
 - d) The effectiveness of other forms of discipline
 - e) Information from parents, teachers and/or others, as appropriate
 - f) Other extenuating circumstances.

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

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

2. PENALTIES: Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. School personnel are authorized to impose penalties, consistent with the student's right to due process per District Regulation 7310R page 9 of 10:

Verbal warning
Written warning
Written notification to parents/guardians
Counseling
Probation
Reprimand
Detention
In school suspension
Suspension from transportation
Suspension from athletics participation
Suspension from social or extra curricular activities
Suspension of other privileges
Exclusion from a particular class
Involuntary transfer
Suspension from school

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

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

Detention: Per District Policy 7314, teachers, other staff members and administrators may require a student to serve after-school detention when such a sanction is appropriate to the seriousness of the offense. However, if a parent or person in parental relationship objects to the imposition of after-school detention in a specific situation, an alternate means of discipline may be imposed. When a student is required to serve a period of after-school detention and the student ordinarily receives transportation, the District shall transport the student home after the detention period unless alternate arrangements have been made by the parent/person in parental relationship.

Suspension From Transportation: If a student engages in disorderly or insubordinate conduct while on a school bus, the driver shall refer the student to the student's school principal for appropriate action per District Regulation 7340R using a form developed for this purpose (Form #7340F School Bus Incident Referral Form) found at Appendix A. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent of schools or their designees. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. A student subject to a suspension from transportation is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

Suspension From Athletic Participation, Extra curricular Activities and Other privileges: A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

In-School Suspension: The Board of Education recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension” per District Policy 7313 and District Regulations 7310R, 7313R and 7313R.1. The in-school suspension teacher will be a certified teacher. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

Teacher Disciplinary Removal of Disruptive Students: A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control student’s behavior and maintain or restore control of the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting.

Such practices may include, but are not limited to: (1) short-term “time-out” in an elementary classroom or in an administrative office; (2) sending a student to the principal’s office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purpose of this code.

On occasion, a student’s behavior may become disruptive. For purpose of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within 24 hours.

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

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

The written notice (Notice to Parent on Removal from Class) at Appendix C must be provided by personal delivery, express mail delivery, or some other means that reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, the notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

- 1) The charges against the student are not supported by substantial evidence.
- 2) The student's removal is otherwise in violation of law, including the district's Code of Conduct.
- 3) The conduct warrants suspension from school pursuant to Education Law S3214 and a suspension will be imposed.

The principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48- hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/she has verified with the principal or the chairperson of the Committee on Special Education (CSE) that the removal will not violate the student's rights under state or federal law or regulation.

f) Suspension from School: Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health and welfare of others OR whose physical or mental condition endangers the health, safety or morals of himself/herself or other minors per District Regulation 7310R.

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 or refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless 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.

1) Suspension Five Days or Less: Per District Policy 7313 and District Regulation 7313R, the principal of the school where the student attends is empowered to suspend a student for a period not to exceed five (5) school days. In the absence of a principal, the "Acting Principal", who is designated by the Board, may then suspend a student for a period of five (5) days or less. When a student is suspended from school for a period of five days or less, the administration shall immediately notify the parents/legal guardians in writing that the student has been suspended. Notice will be sent to the last known address of the student's parents/guardians in such a manner as to assure receipt of the notice within 24 hours of the student's suspension. When possible, notification shall also be provided by telephone.

The notice shall describe the incident(s) which resulted in the suspension and shall inform the parents/legal guardians of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law, section 3214(3)(b). Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/legal guardians.

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

2) Long-term (more than 5 days) Suspension from School. The Superintendent may suspend a student for a period in excess of five (5) school days. Parents/guardians must be notified, presumably by telephone and registered mail, that prior to the suspension in excess of five (5) days, the parent/guardian and the student shall the right to a hearing. At such hearing, the student shall have the right to be represented by an attorney, the right to present witnesses and/or other evidence on his/her behalf, and the right to cross examine witnesses against him/her.

An appeal of the decision of the Superintendent may be made to the Board that will make its final decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the superintendent's decision. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

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

4) Minimum Periods of Suspension:

a) Students Who Bring a Weapon to School: Per District Policies 3411, 7360, 7361 and District Regulations 3410R, 3410P, 7360R, and 7361R, any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older. In addition, any student found guilty of bringing a firearm to, after a hearing has been provided pursuant to section 3214 of the Education Law shall be suspended for a period of not less than one (1) calendar year. The Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis based on the following:

- 1) The student's age
- 2) The student's grades in school
- 3) The student's prior disciplinary record
- 4) The superintendent's belief that other forms of discipline may be more effective
- 5) Input from parents, teachers and/or others
- 6) Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal laws and District Policy 7361.

b) 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 a period of up to five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

c) Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority Over the Classroom: Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five (5) days. For purpose of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this code on four (4) or more occasions during a semester, or three (3) or more occasions during the trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a

case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

5) Referrals

a) Counseling: The Guidance Office shall handle all referrals of students to counseling.

b) PINS Petition: 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:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful controls of the school.
3. Knowingly and unlawfully possesses marijuana in violation of Penal Law Section 221.05. A single violation of section 221.05 will be a sufficient basis for filing a PINS petition.

c) Juvenile Delinquents and Juvenile Offenders: The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court: any student under the age of 16 who is found to have brought a weapon to school, or, any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law Section 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.

CHAPTER 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 section 3214, the district will take immediate steps to provide alternative means of instruction for the student.

CHAPTER X

DISCIPLINE OF STUDENTS WITH DISABILITIES

Generally, should a student with a disability infringe upon the established rules of the school, disciplinary action shall be in accordance with procedures set forth in this Code of Conduct and in conjunction with the administration of the Committee on Special Education (CSE). Refer to Policies 7310, 7313 and Regulations 7310R, 7313R.1. In the case of suspension of a student who has been identified as having a disability, determination has to be made regarding whether or not the suspension is related to the disability. If so, a referral must be made to the CSE for a consideration for change of placement. The District must ensure that no student with a disability is suspended in excess of ten (10) cumulative days without a referral to the CSE. Suspensions include both in-school and out-of-school suspension.

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

1. Authorized Suspensions or Referrals of Students with Disabilities

a) A “suspension” means a suspension pursuant to Education Law Section 3214. A “removal” means a removal for disciplinary reasons from a student’s current educational placement other than a suspension and change in placement to an Interim Alternative Education Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others. An “IAES” means a temporary educational placement for a period of 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

1. The Board, the district BOCES superintendent of schools or a building principal may order the placement of a student into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

2. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under paragraph (1) 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.

3) 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.

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

A “weapon” means the same as “dangerous weapon” under 18 U.S.C. Section 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 ½ inches in length”.

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

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

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

2. Change of Placement Rule: 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 days; or
- b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspension or removals to one another.

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

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

3. Special Rules Regarding the Suspension or removal of Students with Disabilities:

- a) The district’s Committee on Special Education (CSE) shall:
 - 1. 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 or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/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 (1) or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

2. 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.

b) The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

1. 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.

2. A student will not be considered a student presumed to have a disability for discipline purpose if, upon receipt of information supporting a claim that the district had knowledge the student with a disability, the district either:

a) Conducted an individual evaluation and determined that the student is not a student with a disability, or

b) 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 behavior.

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.

c) The district shall provide parents with a 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.

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

e) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

f) 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 on non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

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

4. Expedited Due Process Hearings:

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

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

2. The parent requests such a hearing from the 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.

a) 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.

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

c) An expedited due process hearing shall be completed within 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/she must mail a written decision to the district and the parents within five (5) business days after the hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

5. Referral to Law Enforcement and Judicial Authorities: In accordance with the provisions of IDEA and its implementing regulations:

a) 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.

b) 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.

CHAPTER XI

CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment, as a means of discipline, shall not be used against a student by any teacher, administrator, officer, employee or agent of this school district.

If alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited per District Policy 7350 and District Regulation 7350R for the following reasons:

1. Self protection
2. Protection of others
3. Protection of property; or restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report (Use of Physical Force/Corporal Punishment Report Form) at Appendix D to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report (Semi-Annual Report of Incident of Complaints about the Use of Corporal Punishment at Appendix E) semi-annually to the Commissioner of Education, with copies to the School Board of Education by January 15 and July 15 of each year.

CHAPTER XII

STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or this Code of Conduct as outlined in District Policies 7330, 7335 and District Regulations 7330R and

7330R.1. Students are not entitled to any sort of “Miranda” type warning before being questioned nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

The questioning of students by school officials does preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

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

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the limited search.

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

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

1. Student Lockers, Desks and Other School Storage Places: Lockers are provided by the school for students use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as against the school authorities. The rule in this Code of Conduct regarding searches of students and their belongings do apply to student lockers, desks and other 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 storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.
2. Strip Searches: A strip search is a search that requires a student to remove any or all of his/ her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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

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

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

3. Documentation of searches: The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- a. Name, age and grade of the student searched
- b. Reasons for the search
- c. Name of any informant(s)
- d. Purpose of the search (that is, what item(s) were being sought)
- e. Type and scope of search
- f. Person conducting the search and his/her title and position
- g. Witnesses, if any, to the search
- h. Time and location of the search
- i. Results of the search (that is, what items were found)
- j. Disposition of items found
- k. Time, manner and results of parental notification.

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

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

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

Before police officials are permitted to question or search any student, the building principal or his/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.

Questioning of students by police authorities will be allowed only when the officers have a warrant or written or verbal permission from a parent or guardian is obtained. Furthermore, 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 that they :

- a. Must be informed of their legal rights
- b. May remain silent if they so desire
- c. May request the presence of an attorney.

Removal of students by police authorities will be allowed only when:

- a. Written permission from a parent or guardian is obtained; or
- b. The officer has a warrant; or
- c. The parent or guardian is present and gives consent.

5. Child Protective Services Investigation. 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 the building principal or his/her designee. The principal or the 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 are such that it may be necessary for the student to remove any of his/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/her clothing in front of a protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he/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.

CHAPTER XIII

VISITORS TO THE SCHOOL

Close communication and supportive relationships between parents/guardians and schools are essential to increasing student achievement and enhancing school climate. The District supports these efforts through effective and appropriate visitations to schools and to classrooms by parents/guardians, community members, and other appropriate individuals, subject to District Policy 3210 and District Regulation 3210R and the following guidelines:

1. All visitors shall be required to report to the main office upon arrival at school and state their business.
2. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedule to accommodate such requests.

3. Visitations by individuals other than a parent/guardian shall be arranged directly between the building principal and the individual making the request. The purpose of the visit will be made clear at that time in order to facilitate appropriate arrangements.
4. Visitations will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The building principal may be present when appropriate. Visitors agree to maintain confidentiality regarding information which they acquire during the course of the visit as explained to the visitor by the building principal.
5. No visitor is to go to the classroom unaccompanied by an appropriate school official for the purpose of getting a child.
6. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
7. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

CHAPTER XIV

PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

1. Prohibited Conduct: No person, either alone or with others, shall:
 - a) Intentionally injure any person or threaten to do so.
 - b) Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 - c) Disrupt the orderly conduct of classes, school programs or other school activities.
 - d) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

- e) Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- f) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g) Obstruct the free movement of any person in any place to which this code applies.
- h) Violate the traffic laws, parking regulations or other restrictions on vehicles.
- i) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- j) Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- k) Loiter on or about school property.
- l) Gamble on school property or at school functions.
- m) Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- n) Willfully incite others to commit any of the acts prohibited by this code.
- o) Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
- p) Smoke or chew tobacco on school grounds per District Policy 5640. For this code, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's schools and legally defined property boundaries as well as any vehicles used to transport children or school personnel.

2. Penalties; Persons who violate this code shall be subject to the following penalties:

- a. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- b. Students: They shall be subject to disciplinary action as the facts warrant, in accordance with the due process requirements.
- c. Tenured Faculty Member : They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.
- d. Staff Members (Civil Service): They shall be subject to immediate ejection and to disciplinary action as the facts warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- e. Other Staff Members: They shall be subject to warning, reprimand, suspension or dismissal as the facts warrant in accordance with any legal rights they may have.

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

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

CHAPTER XV

DISSEMINATION AND REVIEW

1. Dissemination of the code of conduct: The Board of Education will work to ensure that the community is aware of this code of conduct by:
 - a) Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
 - b) Making copies of the code available to all parents at the beginning of the school year.
 - c) Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
 - d) Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
 - e) Providing all new employees with a copy of the current code of conduct when they are first hired.
 - f) Making copies of 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 of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

2. Review: The Board of Education will review this Code of Conduct every year and update it a necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of representatives of students, teachers, administrators, parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the Board will hold one (1) public hearing at which school personnel, parents, students and any other interested party may participate.

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