

**CODE OF CONDUCT****5300.05 Introduction**

The Board of Education (the “Board”) of the Brentwood UFSD (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 District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (the “Code”).

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

**5300.10 Definitions**

For purposes of this Code, the following definitions apply:

“**Disruptive student**” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“**Parent**” means parent, guardian or person in parental relation to a student.

“**School property**” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

“**School function**” means any school-sponsored extracurricular event or activity.

“**Weapon**” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, 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.

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“**Violent student**” means a student 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, while on school property or at a school function, to use a weapon.
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 District property.

**5300.15 Student Rights and Responsibilities****A. Student Rights**

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

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

**B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
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 the Code.

**CODE OF CONDUCT****5300.20 Essential Partners****A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Ensure their children attend school regularly, on time, and ready to participate and learn.
3. Ensure absences are excused.
4. Insist their children be dressed and groomed in a manner consistent with the student dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know school rules and help their children understand them.
7. Convey to their children a supportive attitude toward education and the District.
8. Build good relationships with school staff, other parents and other children.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed.
12. Be forthcoming with information concerning violations of the Code.

**B. Teachers**

All District teachers are expected to:

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

**C. Guidance Counselors/Social Workers/School Psychologists**

All District guidance 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.

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5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Be forthcoming with information concerning violations of the Code.

**Principals/Building Administrators**

All District principals/building administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extra-curricular activities.
5. Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.
6. Be forthcoming with information concerning violations of the Code.

**D. Superintendent/Central Administration Team**

The Superintendent and the Central Administration Team are expected to:

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

**E. Board of Education**

All Board of Education members are expected to:

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

**F. Support Staff and Other District Personnel**

All District support staff and personnel are expected to:

1. Be forthcoming with information concerning violations of the Code.

**CODE OF CONDUCT****5300.25 Student Dress Code / Student ID Badges**

The Board of Education requires all students to attend school in appropriate attire. To achieve this goal, the Board expects all students to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents 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. Nothing listed below shall conflict with the District adopting a uniformed code of dress.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Reflect that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or head coverings in the school building, except at building level discretion, or for a medical or religious purpose.
6. Not include items that are vulgar, obscene, or libelous or that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. **NOT INCLUDE ANY COMBINATION OF CLOTHING, WHICH LAW ENFORCEMENT AGENCIES CURRENTLY CONSIDER GANG-RELATED. THESE ITEMS MAY CHANGE FROM TIME TO TIME.**

*EXAMPLES INCLUDE BUT ARE NOT LIMITED TO: "KNOWN GANG COLORS, SYMBOLS, EMBLEMS AND PARAPHERNALIA"*

Each building principal or his or 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 out-of-school suspension. 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.

At the Freshman Center and High School buildings, students will be required to wear student ID badges as part of this approved dress code. The purpose of this is to enhance the safety and security of all students and personnel at these buildings and to easily identify students who attend these buildings. In addition to the student's name and photo, the ID badge will designate their school building (Ross, Sonderling, or Freshman Center). Student ID badges will only be valid while the student is actively registered as a student in the Brentwood School District.

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The building principals, or their designee, will schedule student photo ID pictures to be taken within the first full week of the start of school. In circumstances where a student registers during the school year, the photo will be taken promptly after registration. Students will be provided with the first issued ID and lanyard free of charge. If necessary, one replacement student photo ID will be issued to each student at no cost if he/she loses his/her original ID badge. Students will be charged \$5.00 to replace any additional ID badges beyond the replacement (second free) ID badge. In cases where students repeatedly fail to abide by this regulation, parents/guardians will be contacted to resolve the issue, and/or the appropriate disciplinary actions will be taken.

Students are required to wear their ID photo badge on a lanyard around their neck at all times, during school hours, while at school. If a student does not have their ID badge at all times while in the school building, they will be sent immediately for a replacement ID badge.

The building principals will disseminate this policy to the students, parent and staff as necessary and/or upon request. A copy of this policy will be posted on the District's website.

#### **5300.30 Prohibited Student Conduct**

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

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

The Board recognizes the need to make its expectations for student conduct, while students are 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 choose not to accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

In order to promote positive social-emotional development in all of our students, efforts will be made to provide guidance interventions and pupil personnel services when addressing student discipline.

When appropriate, the following procedures will be utilized to resolve discipline problems before they become serious.

1. Teacher-Student Conference
  - a. Identifies behavior that is disturbing.
  - b. The student is informed if his/her behavior is in violation of the code.
  - c. If this is the case, a logical disciplinary consequence is given to the student.
  - d. Adjustments in behavior are suggested.
  - e. Appropriate parent notification.

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2. Teacher-Guidance Counselor/Assistant Principal or Student Advisor
  - a. The student's behavior is described.
  - b. The counselor gives insights as to possible causes of behavior problem.
  - c. The student's confidential folder is reviewed to determine if this problem has occurred previously and to obtain further insight into possible solutions.
  - d. Appropriate parent notification.
3. Guidance Counselor/Assistant Principal or Student Advisor
  - a. The student shares his/her feelings and concerns.
  - b. The counselor suggests alternative behavioral strategies to the student.
  - c. Appropriate parent notification.
4. Teacher/Guidance Counselor-Parent Conference
  - a. The parents are informed that a discipline problem exists.
  - b. Insights into possible reasons and solutions are shared.
  - c. Support and reinforcement are encouraged at home.
5. Administration-Student Conference
  - a. The student expresses his/her point of view and reasons for his/her actions.
  - b. The rules and regulations are explained.
  - c. The student learns if his/her behavior is in violation of the code.
  - d. If this is the case, a logical disciplinary consequence is given to the student.
  - e. The parent is notified about his/her child's behavior and what action was taken.
6. Pupil Personnel Services

This multidisciplinary team confidentially discusses academic and behavioral problems that appear to be approaching a more critical stage.

  - a. Recommendations for intervention strategies are made to the staff.
  - b. Psychological evaluations and counseling may be recommended.
  - c. Students may be referred for remedial services.
  - d. Alternative academic programs may be suggested.
  - e. Students with disabilities and/or students suspected of having a disability may be referred to the Committee on Special Education for review and to determine if the placement is appropriate and if modifications to the Individualized Education Plan are required.

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

**A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which 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 account; accessing inappropriate Web sites; or any other violation of the District's acceptable use policy.
8. Unauthorized use of electronic devices (including but not limited to CD players, MP3 players, iPods, video games, laser pointers, etc.) is prohibited in the classroom.
9. Using cell phones during school hours is prohibited.

**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.

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



**CODE OF CONDUCT****D. Engage in any conduct that endangers the safety, morals, health or welfare of others.****Examples of such conduct include but are not limited to:**

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 or bullying, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group, which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar or pipe, electronic cigarette or using chewing or smokeless tobacco.
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Participating in or association with gangs or gang related activities.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

It is crucial for students to behave appropriately while riding on 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 or pushing, shoving and fighting will not be tolerated.

**CODE OF CONDUCT****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. Altering records.
5. Assisting another student in any of the above actions.

**G. Engage in off-campus misconduct that endangers the health and safety of students and staff within the school and adversely affects the educational process. Examples of such misconduct include but are not limited to:**

1. Cyber bullying.
2. Threatening, hazing or harassing students or school personnel over the phone or Internet.
3. Using electronic devices to convey threats, derogatory comments or posting and/or sending inappropriate pornographic pictures, images or videos of students or school personnel that significantly disrupt the educational process.

**5300.35 Reporting Violations**

All students are expected to promptly report violations of the Code to a teacher, guidance 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 shall immediately report this information to a teacher, the building principal, the principal's designee or the Superintendent.

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

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

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 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.

**CODE OF CONDUCT****5300.40 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 fair and consistent so as to be the most effective in changing student behavior. If a student is found responsible for a violation of the Code, the school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than 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 and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability.

**A. Penalties**

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

1. Verbal warning – any member of the District staff.
2. Written warning – bus drivers, coaches, guidance counselors, teachers, building administrator, Superintendent.
3. Written notification to parent – coaches, guidance counselors, teachers, building administrator, Superintendent.
4. Detention – teachers, building administrator, Superintendent.
5. Suspension from transportation – principal, Superintendent, Superintendent's designee.
6. Suspension from athletic participation – coaches, Coordinator of Health, Recreation, Physical Education & Athletics, building administrator, superintendent, superintendent's designee.
7. Suspension from social or extracurricular activities– activity director, building administrator, Superintendent, Superintendent's designee.
8. Suspension of other privileges – building administrator, Superintendent, Superintendent's designee.
9. In-school suspension – principal, Superintendent.
10. Removal from classroom by teacher – teachers, building administrator.

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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 – principal, Superintendent, Board of Education.
13. Permanent suspension from school – Superintendent, Board of Education.

**B. Procedures**

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

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

1. Detention

Teachers, 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 has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal’s and/or the District’s Transportation Supervisor’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 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 in accordance to New York State regulations.

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, extracurricular 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’s Coordinator

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of Health, Physical Education, Recreation and Athletics and/or the building administrator imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students, who would otherwise be suspended from school as the result of a Code of Conduct violation, in “in-school suspension.” 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 §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to the internal suspension room; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code, 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.

Where an alternative environment has been created in the building (i.e. in-school suspension room), a classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the

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student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but 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/or dean of students, and arrange to meet with the principal or designee as soon as possible, ensuring that the principal receives timely notice of the teacher's removal decision.

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 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. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The teacher who initiated the removal shall attend the informal meeting.

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

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

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

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

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

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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 under New York State or federal law or regulation.

6. Suspension from school

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

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

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or 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 orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school.

The written notice must be provided by personal delivery, 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.

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

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the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

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

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

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or 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 10 business days of the date of the Superintendent's decision, unless the parents can show that



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extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as 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. Students who bring or possess a weapon to school

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

In deciding whether to modify the penalty, the Superintendent may consider the following:

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

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

2. Students who commit violent acts other than bringing or possessing 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 or possessing a weapon on school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

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.

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3. Students who are substantially disruptive of the educational process on a repeated basis or substantially interfere with the teacher's authority in the classroom on a repeated basis.

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 referred to the building administrator, who will choose the appropriate discipline, if necessary, for the student. For the 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 a 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 parent will be given the same notice and opportunity for an informal conference given to all students subject to short-term suspensions. 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.

**D. Referrals**

1. Counseling

The Guidance Office 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.
  - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders

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

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

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.

**CODE OF CONDUCT****5300.45 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 act promptly, with due regard, to provide alternative means of instruction for the student.

**5300.50 Discipline of Students with Disabilities**

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

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

**A. Authority to Remove, Suspend or Otherwise Discipline Students with Disabilities.**

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

- “Controlled Substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and New York State law and regulations applicable to this policy.
- “Disciplinary Change of Placement” means a suspension or removal from a student’s current educational placement that is either for more than 10 consecutive school days, or for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- “IAES” (Interim Alternative Educational Setting) means a temporary educational placement 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. The IAES allows for services to be provided that permits the student to continue to participate in the general curriculum and enables the student to progress toward meeting the goals set for in their Individualized Education Plan (IEP).
- “Illegal Drug” 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.
- “Manifestation review” means a review of the relationship between the student’s disability and the behavior subject to disciplinary action, which is required when the disciplinary action results in a change of placement (as defined above).
- “Manifestation team” shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District.
- “Removal” means a removal for disciplinary reasons from the student’s current education placement, other than a suspension and change in placement to an IAES.

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- “Serious Bodily Injury” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
  - “Suspension” means a suspension pursuant to Education Law §3214.
  - “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 ½ inches in length.”
2. School personnel may order the suspension or removal of a student with a disability from his/her current education placement as follows:
    - a. The Board, the Superintendent of Schools or a 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. Parents or persons in parental relation to the student shall be provided an opportunity for an informal conference in accordance with paragraph (d) of §3214 of Education Law.
    - 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 the above paragraph 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 for the same behavior. The Superintendent or an appointed hearing officer, in accordance with the Commissioner’s regulations, will conduct a hearing that shall be bifurcated into a guilt phase and a penalty phase.
    - 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 the placement of a student with a disability in to an IAES to be determined by the CSE for the same amount of time a student without a disability would be subject to discipline, but not for more than 45 school days, under the following circumstances:
      - 1) The student carries or possesses a weapon to or at school, on school premises or to a school function; or,
      - 2) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or,
      - 3) The student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.
    - e. An impartial hearing officer, subject to specified conditions required by federal and state law and regulations, may order the placement of a student with a disability in an IAES for up to 45 days at a time if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.
  3. A review of the relationship between the student’s disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately if possible, but in no case later than 10 school days after:
    - a. A decision is made by the Superintendent to change the placement of a student to an IAES.
    - b. A decision is made by an impartial hearing officer to place a student in an IAES.

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- c. A decision is made by the Board of Education, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.
4. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for misconduct involving serious bodily injury, weapons, illegal drugs or controlled substances; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.
5. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change of placement for a child who violates the Code of Conduct.

**B. Responsibilities of the CSE when disciplining students with disabilities**

When a student with a disability is suspended or removed for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change in placement and the student's conduct is a manifestation of the student's disability the CSE shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan, unless the District had already done so prior to the misconduct; or,
2. If the student already has a behavioral intervention plan, the CSE shall meet to review the plan and its implementation and modify it as appropriate.
3. If the CSE is convened, parental notification procedures are applicable.

If the misconduct is found to be a manifestation of the student's disability, then the District shall return the student to the placement from which he or she was removed unless the parents agree to the change in placement or if the child had been removed to an IAES because of serious bodily injury, weapons, illegal drugs or controlled substances

When a student with a disability, who has a behavioral intervention plan, is suspended or removed for more than 10 school days, but the removal does not constitute a change in placement, then members of the CSE shall review the 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 review the plan and take appropriate action.

**C. Disciplinary procedures for students not determined to have a disability at the time of the misconduct**

The parents of a student who is facing disciplinary action, but who has not been identified as a student with a disability at the time of misconduct shall have the right to invoke procedural safeguards set forth in federal and New York State law and regulations if, in accordance with statutory and regulatory criteria, the District is deemed to have had knowledge that the 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 presumed to have a disability for discipline purposes.

The Superintendent, 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. The District will be deemed to have had knowledge if the child's parent expressed concern in writing to supervisory or administrative personnel, or if the child's teacher or other personnel had expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education or to other supervisory personnel.

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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 had 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 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 measure 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, New York State law and regulation. Until the expedited evaluation is completed, the non-disabled student who is not presumed to have a disability for disciplinary purposes shall remain in the educational placement determined by the District, which can include suspension.

#### **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

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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.

**5300.55.1 Corporal Punishment**

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

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

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

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

**5300.60****5300.61 Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District's Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building principals, 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's Code of Conduct.

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

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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 or she possesses physical evidence that they violated the law or the District's Code of Conduct, 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.

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

The rules 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 promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) 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. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items 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.



**CODE OF CONDUCT****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 (CPS) Investigations**

Consistent with New York State law and 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 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 District official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be

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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.

**5300.65 Visitors to the Schools**

The Board recognizes that the success of the school program depends, in part, on the support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the front door of the building where they will be buzzed. Visitors are directed to report to the office of the principal upon arrival inside the building. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. At the secondary-level buildings, visitors must sign in at the greeter's desk and receive their visitor's identification badge. The visitor must return the identification badge to the principal's office or the greeter's desk before leaving the building.
3. Visitors will not be buzzed in during the change of classes at the secondary-level.
4. Visitors attending school functions that are open to the public after school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building principal, so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or 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.

**5300.70 Public Conduct on School Property**

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

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes

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that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

**A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco on any school grounds, in any school building or on any form of school transportation.
2. Intentionally injure or attempt to injure any person or threaten to do so.
3. Intentionally damage or destroy, or attempt to intentionally damage or destroy District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property. Acts of damage include graffiti and arson.
4. Disrupt the orderly conduct of classes, school programs or other school activities.
5. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
6. Intimidate or harass any person, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or New York State statute, local ordinance or Board policy while on school property or while at a school function.
17. Use profanity or improper language.

**CODE OF CONDUCT****B. Penalties**

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4: They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. 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, as described under "Penalties" (section above). In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

**5300.75 Dissemination and Review****A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the Code to all students at a general orientation assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year.

**CODE OF CONDUCT**

3. Mailing a summary of the Code written in plain language, in both English and Spanish, to all parents of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code when they are first hired at teacher orientation.
6. Making copies of the Code available for review by students, parents and other community members.
7. An updated copy of the District Code of Conduct will be maintained on the District website.

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.

**B. Review of Code of Conduct**

The Board of Education will review this Code every year and update it as necessary. In conducting the review, the Board will consider how effective the Code’s provisions have been and whether the Code has been applied fairly and consistently.

The Board may reconvene the District’s S.A.V.E. committee to assist in reviewing the Code and the District’s response to violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code, the Board will hold at least one 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.

**Cross-reference: Harassment, Hazing & Bullying Policy #0115  
Harassment, Hazing & Bullying Policy #0115-R**

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