

Code of Conduct

I. Introduction

The mission of the district is “To cultivate the BEST in personal growth and achievement.”

In support of that mission is the district’s vision:

Providing the **BEST** in educational opportunities by...

- ❖ Sustaining a culture that supports the intellectual and developmental needs of all
- ❖ Being committed to excellence in education and exceeding expectations
- ❖ Building a safe, dynamic learning environment where all are valued and respected
- ❖ Expanding our home-school-community partnerships
- ❖ Operating in a fiscally responsible manner

In articulation of the mission and vision are the district’s values:

JE EAGLES are...

Just and caring

Excellent in all that they do

Ethical in their behaviors

Accepting of all

Global thinkers

Learners first

Examiners of why and how

Selfless

All members of the Jordan-Elbridge Central School district strive to live the JE mission, vision, and values and as part of that effort all constituents use those tenets to guide their actions and decision.

The Jordan-Elbridge Board of Education is committed to providing a safe and orderly school environment. Responsible behavior by students, staff, parents and visitors is essential to achieving this goal.

The District has a set of expectations for conduct on school property and at school functions that is based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity and is consistent with the district’s mission, vision, and values. The Board recognizes the need to clearly define these expectations, identify consequences of unacceptable conduct, and ensure that discipline is administered promptly and fairly.

Additionally, the District has the legal authority to discipline students for “off-campus conduct” (i.e., conduct that occurs off school property) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educational process. The District also has the legal authority to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or function of the school.

II. Definitions

For purposes of this Code, the following definitions apply:

A **disruptive student** means any student up to the age of 21 who is substantially disruptive of the educational process or substantially interferes with the authority of a faculty or staff member at any educational setting.

A **parent** means parent, guardian or person in parental relation to a student.

School property is 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.

School bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

A **school function** means any school-sponsored or school-authorized extra-curricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

A **violent student** means a student up to the age of 21 whom:

- A. Commits an act of violence upon a school employee.
- B. Commits, while on district property or at a school function, an act of violence upon another student or any other person lawfully on district property or at the school function.
- C. Possesses, while on district property or at a school function, a gun, knife, explosive or incendiary device, other dangerous instrument capable of causing physical injury or death, or any “weapon” as defined by this Code.
- D. Displays, while on district property or at a school function, what appears to be a gun, knife, explosive or incendiary device, other dangerous instrument capable of causing death or physical injury, or any “weapon” as defined by this Code.

- E. Threatens, while on district property or at a school function, to use any instrument that appears capable of causing physical injury or death.
- F. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on district property or at a school function.
- G. Knowingly and intentionally damages or destroys school district property.

A **weapon**, for purposes of the Gun-Free Schools Act, shall mean a “firearm” as such term is defined in 18 USC §921. For purposes of this Code, a “weapon” 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, jack knife, 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 device, or other device, instrument, material or substance capable of causing physical injury or death.

Discrimination means the practice of unfairly treating a person or group of people differently from other people or groups of people as related to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity) or sex.

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, or physical well-being. Harassment is also conduct, verbal threats intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse includes but is not limited to bullying, cyber bullying, sexting or other conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived:

- A. Race
- B. Color
- C. Weight
- D. National origin
- E. Ethnic group
- F. Religion
- G. Religious practice
- H. Disability
- I. Sex
- J. Sexual orientation
- K. Gender (including gender identity and expression)

Note: In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. As a result, the district is mindful of its responsibilities under the law and in accordance with related district policies.

Bullying means a series of acts or a single negative act (depending on severity) that may be:

- A. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings)
- B. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats)
- C. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)

Cyberbullying means online social cruelty or electronic bullying that involves the use of information technology, including e-mail, social media, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate students. This includes but is not necessarily limited to sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person (including but not limited to “sexting”); pretending to be someone else in order to make that person look bad.

Sexting means sending, receiving or forwarding sexually suggestive, nude or nearly nude photos through text message, email or social media.

Hazing means committing an act against a student or coercing a student (typically although not necessarily as part of an induction or initiation process), into committing an act, that humiliates, degrades, abuses or endangers the student, physically or emotionally, regardless of the student’s willingness to participate.

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

Sexual orientation means actual or perceived heterosexuality, homosexuality, or bisexuality.

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

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

III. Student Rights and Responsibilities

A. Student Rights

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

1. Be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with imposing a 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. Act in a manner consistent with the district's mission, vision, and values.
2. Contribute to maintaining a safe and orderly school environment that is conducive to learning, and to show respect to school property
3. Respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act, and to conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, and/or discrimination
4. Report and encourage others to report incidents of harassment and/or discrimination
5. Become familiar with and abide by all district policies, rules and regulations dealing with student conduct
6. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn
7. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
8. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner
9. Work to develop mechanisms to control their anger
10. Ask questions when they do not understand
11. Seek help in solving problems that might lead to discipline
12. Dress appropriately for school and school functions, consistent with school dress code
13. Accept responsibility for their actions

14. 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

IV. Essential Partners

All partners should act in a manner that is consistent with the mission, vision, and values of the Jordan-Elbridge Central School District.

A. Parents

All parents are encouraged to:

1. Recognize that the education of their children is a joint responsibility between the parent(s) and the school community
2. Send their children to school prepared to participate and learn
3. Ensure that their children attend school daily and on time
4. Ensure absences are excused
5. Encourage their children to be dressed and groomed in a manner consistent with the student dress code
6. Help their children to understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
7. Know school rules and help their children understand them
8. Convey a supportive attitude to their children toward education and the District
9. Build good relationships within the school community
10. Help their children deal positively and effectively with peer pressure
11. Inform school officials of changes in the home situation that may affect student conduct, performance or ability to learn
12. Provide a place for study and ensure homework assignments are completed
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act

B. Teachers and Other Professional Staff

All district teachers and other professional staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic

- group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-concept and promote confidence to learn
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct
 3. Be prepared to teach
 4. Demonstrate interest in teaching and concern for student achievement
 5. Know school policies and rules, and enforce them in a fair and consistent manner
 6. 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
 7. Communicate regularly with students, parents and other teachers concerning growth and achievement
 8. Assist students in coping positively with peer pressure and emerging personal, social and emotional problems
 9. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to provide feedback and resolve problems
 10. Review educational progress and career plans on a regular basis with students
 11. Provide information to assist students with career planning
 12. Encourage students to benefit from the curriculum and extracurricular programs
 13. Use available resources to bring about positive behavioral changes in the classroom before seeking assistance from the administration for discipline problems
 14. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function
 15. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
 16. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

C. Expectations for Student Support Service Personnel

All student support service personnel are expected to:

1. Support educational and academic goals
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct
3. Know school rules, abide by them and enforce them in a fair and consistent manner
4. Assist students in coping positively with peer pressure and emerging personal, social and emotional problems
5. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct
6. Maintain confidentiality about all personal information and educational records concerning students and their families
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

D. Expectations for Other School Staff

All school district staff members are expected to:

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct
3. Assist in promoting a safe, orderly and stimulating school environment
4. Maintain confidentiality about all personal information and educational records concerning students and their families
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

E. Administrative Staff

The role of a District Administrator is to:

1. Maintain an environment that is conducive to learning
2. Exercise the authority assigned by the Board and the Superintendent of Schools in a responsible manner
3. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct
4. Develop effective schedules and teaching assignments for students, staff and parents
5. Be consistent, fair, and firm in decisions affecting students, staff and parents
6. Demonstrate, by word and example, respect for law and order, self-discipline, and sincere concern for all persons under their authority
7. Participate in the development of rules and regulations and to make them known and understood by students, staff and parents
8. Initiate and maintain open lines of communications with students, staff and parents
9. Become involved with students by attending school activities and visiting classrooms
10. Work with students, teachers, counselors, and parents to establish cooperative techniques for bringing about an effective educational program
11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn
12. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC)

F. Superintendent

The role of the Superintendent of schools is to:

1. Educate district administrators on the provisions of this Code, Board policies and state and federal laws that relate to the discipline of students and the maintenance of public order on district property and at district functions
2. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning

3. Set a good example for students and all staff by demonstrating dependability, integrity and other standards of ethical conduct
4. Visit all school buildings on a regular basis, attend school functions, and become familiar with district operations
5. Inform the Board about new developments and trends relating to the discipline of students
6. Supervise and maintain a well-trained staff at all levels
7. Keep the community well informed of all district activities through regular publications, announcements, meetings, and other appropriate forms of communication
8. Recommend programs to the Board that provide for the needs of all students, including those with special needs
9. Support the staff by enforcing student discipline in accordance with district policies and the requirements of New York State and Federal laws
10. Be fair and consistent in rendering decisions regarding students whose behavior problems have been referred to the Superintendent

G. Board of Education

The role of the Board is to:

1. Hold a meeting at each facility on a yearly basis
2. Employ and maintain a well-trained staff at all levels
3. Keep the community well informed of all district activities through regular publications, announcements, meetings, and other appropriate forms of communication
4. Develop programs that provide for the needs of all students
5. Enforce student and staff discipline in accordance with district policies and the requirements of New York State and Federal law
6. Be fair and consistent in rendering decisions regarding the discipline of students who have appealed to the Board
7. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, and sex (Note: The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.)

V. Student Dress Code

Education is the first priority of Jordan Elbridge Central School District. The only exceptions would be for health, religious or medical reasons or when authorized by the school for activity and/or fundraisers.

1. Clothing will be safe, appropriate and not disrupt or interfere with the educational process.
2. No hats, coats, knit caps, bandanas or hoods will be worn or displayed after entering the building.
3. Shirts will be long enough to cover the midriff. Shirts must provide adequate coverage at the neckline in both the front and the back. Under garments must be covered at all times. At no time should bras or bra straps be visible.
4. Pants, shorts, dresses and skirts must be secured at the waist and not be excessively short. Underwear and or midriffs must not be visible. This should allow adequate coverage for normal daily activities.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability
7. Clothing should not have or make reference to violence, guns, weapons, profanity, alcohol, drugs, tobacco products, or make offensive statements about religion or gender.
8. Chains or straps that hang from clothing are not permitted in school. They have proven to be disruptive and are considered unsafe.
9. Students issued athletic uniforms may be worn as long as it complies with the guidelines listed above.
10. Items not specifically addressed will be up to the discretion of the building staff or administrators.

Each building principal or their 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.

If students are wearing something that is not appropriate for school, any of the following procedures will take place.

1. The student will be counseled about appropriate dress
2. School personnel will seek assistance from parents
3. Students will be asked to remedy the situation with another garment that they may have with them
4. Students may be sent home to change

5. Students can be subject to our discipline policy

VI. Prohibited Student Conduct

The Jordan Elbridge 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 students' ability to grow in self-discipline.

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

A. Conduct that is disorderly or disruptive

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

1. Running in hallways
2. Making unreasonable noise
3. Using language or gestures that are profane, lewd, vulgar or abusive
4. Obstructing vehicular or pedestrian traffic
5. Engaging in any willful act 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. Misusing computer(s)/electronic devices, including any unauthorized use of software, or internet/intranet account, accessing inappropriate websites, or any other violation of the district's acceptable use policy
8. Using electronic devices, including cell phones, during instructional time without prior faculty or administrative approval

B. Conduct that is insubordinate

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

1. Failing to comply with the directions of teachers, school administrators or other school employees in charge of students, or otherwise demonstrating disrespect
2. Leaving school without permission
3. Skipping class and/or detention

C. Conduct that is violent

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

1. Committing an act of violence (such as hitting, kicking, punching, or scratching) or attempting to do so upon a student, teacher, administrator, school employee
2. Committing an act of violence or attempting to do so (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse of any kind
4. Possessing a weapon (A weapon is defined as a device, instrument, material or substance, animate or inanimate that is used for, or is readily capable of, causing death or bodily injury).
(Note: 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.)
5. Displaying what appears to be a weapon
6. Threatening to use any weapon
7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property (Note: Intentional damage or destruction of property include acts of graffiti or arson.)
8. Intentionally damaging or destroying school district property
(Note: Intentional damage or destruction of property includes acts of graffiti or arson.)

D. 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 school property or 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, hazing, harassment, cyberbullying, sexting and bullying (as defined in the Code of Conduct)
5. Selling, using, possessing or distributing obscene or pornographic material
6. Using vulgar, abusive and/or profane language (i.e., cursing or swearing)
7. Possessing or smoking a cigarette, an e-cigarette, cigar, pipe and/or possessing or using chewing or smokeless tobacco
8. Possessing, selling, distributing, exchanging drug paraphernalia, or consuming or being under the influence of alcoholic beverages, counterfeit and designer drugs or “illegal and/or unauthorized substances

(Note: Illegal and/or unauthorized substances including, but not limited to inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”)

9. Possessing or using prescription or over-the-counter drugs without a care plan overseen by the school nurse
10. Gambling
11. Indecent exposure (showing of private parts)
12. Public displays of affection (students should not be overly demonstrative in their affections)
13. Falsely reporting an incident without valid cause or with malicious intent
14. Parking and driving--parking a student-operated vehicle on District property without a parking permit, parking in unauthorized areas, recklessly operating a vehicle on school property, failing to adhere to all state and local laws pertaining to traffic and to the operation of motor vehicles, and failing to follow the directives of faculty supervisors in the parking and driving areas of the campus, constitute violations of this Code. The District assumes no liability for vandalism/theft of the vehicle while on school property. In addition, student vehicles are subject to search with reasonable suspicion. Driving regulations as determined by New York State Motor Vehicle and Traffic law shall apply to all drivers on district property
15. **No student will be allowed to drive to or from a contest or performance.**

E. Off-Campus Misconduct

The District also reserves the right to discipline students for “off-campus conduct” (i.e., conduct that occurs off school property) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educational process. In addition, the District has the legal authority to, and reserves the right to, discipline students for off-campus speech or action that actually causes, or could be reasonably forecast to cause a material and substantial disruption to the work and/or discipline of the school.

F. Misconduct while on a school bus

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment and discrimination will not be tolerated.

G. Any form of academic misconduct

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

1. Plagiarism
1. Cheating
2. Copying

3. Altering records
4. Assisting another student in any of the above actions

VII. Student Harassment and Bullying Prevention

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity, and equality. The Board recognizes that discrimination and harassment, includes but is not limited to hazing, and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District. Such behaviors not only affect the students who are its targets but also affect those individuals who are participants or who witness such acts.

To this end, the Board condemns and strictly prohibits all forms of unlawful discrimination and harassment on school property, at a school function, and off school property as set forth in this Code of Conduct.

No student shall be subjected to discrimination or harassment by employees or students on school property or at a school function. The school setting provides an opportunity to teach students. Cooperative, respectful behavior is the standard. The building's character education programs are designed to promote school-wide supportive relationships and to decrease the incidents of bullying. As part of these programs, students and staff will be made aware of the signs of discrimination and harassment, as well as their responsibility to become actively involved so as to prevent an overt bullying act before it occurs.

So as to have coordination in the building's character education programs, the Board will designate at its annual organizational meeting the Dignity Act Coordinators for each building. The buildings' Dignity Act Coordinators will oversee the District's character education programs and will assist with the implementation of the Code of Conduct as related to the prevention of student discrimination and harassment. In addition, the Superintendent will ask the district's health and wellness committee to annually address the topics of discrimination and harassment, including but not limited to bullying prevention and intervention. The Superintendent will also direct the building's health and wellness to establish an annual goal related to discrimination and harassment prevention and the reporting, investigating, remedying and tracking of allegations about discrimination and harassment.

The Board acknowledges that staff actions may not always lead to a resolution and therefore each situation must be addressed as a unique occurrence. All acts of discrimination and harassment should be brought to the attention of the designated Dignity Act Coordinator, the student's parents, and pertinent staff to establish accommodations as appropriate.

The Board is aware that the implementation of an effective character education program that addresses discrimination, harassment and bullying prevention and intervention

requires professional development. Such training shall be provided to all district staff that has direct contact with students on a regular basis, so as to:

- A. Raise awareness and sensitivity of school staff to potential discrimination or harassment; and
- B. Enable school staff to prevent and respond to discrimination or harassment; such training may be implemented and conducted in conjunction with existing professional development training.

Students who have been discriminated against and/or harassed, or who have witnessed these things being done to other students, and parents whose children have been discriminated against and/or harassed are encouraged and expected to make a complaint or report (as applicable) and bring it to the attention of the applicable Dignity Act Coordinator. At all times, complaints will be documented, tracked and handled in accordance with the guidelines of DASA.

A record shall be made of each allegation of discrimination and/or harassment, together with a summary of the finding(s) of the investigation into each such allegation, and the disposition of the matter. If an allegation of discrimination or harassment is substantiated, at a minimum, the record shall include information about:

- a) the nature of bias or biases involved (e.g., whether the discrimination or harassment was based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, gender, sexual orientation)
- b) whether the incident resulted from student and/or employee conduct
- c) whether the incident involved physical contact and/or verbal threats, intimidation or abuse
- d) the location(s) where the discrimination or harassment occurred

Additionally, incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system as required.

It is the responsibility of school personnel to report any incidents of student-to-student and staff-to-student harassment and/or bullying that they observe or of which they become aware. This report is to be made to the building's Dignity Act Coordinator or to their immediate supervisor if they are not assigned to a particular school building. The supervisor to whom the report is made shall then identify and forward the report to the appropriate Dignity Act Coordinator. A complaint form is available on the district's web site and is also available in each main office.

Results of the investigation will be reported back to the target and the accused. If either of the parties disagrees with the results of the investigation they can appeal the findings to the Superintendent.

A. Disciplinary Consequences

Consequences for a student who is found to have committed an act of harassment and/or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's discipline record, and in accordance with the Code of Conduct and DASA regulations.

1. Remedial Disciplinary Consequences

In addition to any other disciplinary consequences set forth in the District's Code of Conduct, the Board and District are committed to implementing remedial responses to discrimination and/or harassment that are aimed at addressing the root causes of the discrimination and/or harassment and correcting and preventing the recurrence of the problem behavior.

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

- a. peer support groups
- b. corrective instruction or other relevant learning or service experience
- c. supportive intervention
- d. behavioral assessment/evaluation
- e. behavioral management plans, with goals for improvement that are closely monitored
- f. student counseling and parent conferences
- g. Cyber Justice Diversion Program

2. Environmental Remediation

In addition to imposing appropriate disciplinary consequences and remedial efforts aimed at addressing discrimination and/or harassment committed by particular students, building-wide and/or school-wide environmental remediation can be an important tool to prevent harassment. Environmental remediation strategies may include, but are not limited to the following:

- a. supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment
- b. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- c. adoption of research based systemic discrimination and harassment prevention programs
- d. modification of schedules when possible
- e. adjustment in hallway traffic and other student routes of travel
- f. targeted use of monitors
- g. staff professional development
- h. parent conferences
- i. involvement of parent-teacher organizations
- j. peer support groups

B. Retaliation Strictly Prohibited

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of discrimination and/or harassment. Follow-up inquiries and/or appropriate monitoring of the alleged perpetrator and victim shall be made to ensure that discrimination or harassment has not resumed and that those involved in the investigation of allegations of discrimination or harassment have not suffered retaliation.

C. Periodic Review

Each year as part of the annual review of the Code of Conduct, the district's character education and harassment and bullying intervention and prevention program will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are deemed necessary, the Superintendent will submit revisions to the Board for its consideration.

VIII. Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or other trusted adult. 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, the building principal, the Superintendent, or other trusted adult.

All district staff, which are authorized to impose disciplinary sanctions, are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, 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, 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 Superintendent or their designee must notify the appropriate local law enforcement agency of those Code of Conduct violations that constitute a crime and substantially affect the order or security of a school as soon as practical. 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 of Conduct and constituted a crime.

IX. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

- a) the student's age
- b) the nature of the offense and the circumstances that 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 and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or who are 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. Oral warning – any member of the district staff
2. Written warning – bus drivers, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent – bus driver, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation – principal or superintendent
6. Suspension from athletic participation – coaches, athletic director, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, principal, superintendent
8. Suspension of other privileges – principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal

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

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

1. Detention

Teachers, principals and the superintendent may use 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 and the student's parent will be notified of the discipline imposed and the details of the incident.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to file a misconduct report. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designee. 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.

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

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

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

4. In-school suspension

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

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

Any student subject to an in-school suspension will be required to turn over any and all electronic communication devices to the district official or his/her designee imposing the suspension. Electronic communication devices shall include, but are not limited to, cell phones, I-pads, smart phones, e-readers, and any other device capable of connecting to the internet and social media sites. Failure on the student's part to voluntarily surrender said items shall subject the student to more progressive discipline penalties.

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 away" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. A teacher may remove a disruptive secondary student from class for up to one day, and a disruptive elementary student for not more than $\frac{1}{2}$ the instructional day. (Note: The removal from class applies to the class of the removing teacher only.)

If the teacher finds that the disruptive student does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why the student is being removed from the teacher's classroom and an opportunity to explain his or her version of the relevant events before the student is removed. Only after such an informal discussion, may a teacher remove a student from class.

If the teacher finds that the student(s) poses a continuing danger to persons or property or that the student(s) presents an ongoing threat of disruption to the academic process, then the teacher may remove the student immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but 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 their 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 their designee prior to the beginning of classes on the next school day.

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

The principal may, at his or her discretion, 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 their 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 their designee may alter 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 their 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. The teacher will provide lesson plans and materials for the instruction of the student for the period of removal.

Each teacher must keep a complete log for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under 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 of Conduct. All recommendations and referrals shall be made in writing

unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts and record them.

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

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

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

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

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

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school:

Any student found guilty of bringing a "firearm" or "weapon" (as the applicable term is defined by the federal, Gun-Free Schools Act and corresponding provisions of New York Law) to school property will be suspended 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 addition, any student who brings any other "weapon" to school, or possesses any other weapon in violation of this Code (i.e. a "weapon" other than a "weapon" or "firearm" as the applicable term is defined by the federal Gun-Free Schools Act and corresponding provisions of New York Law) the student shall be subject to an automatic one-year suspension, unless modified by the Superintendent on a case-by-case basis.

In either case, whether the "weapon" or "firearm" is one that is prohibited by the Gun-Free Schools Act or is among the additional weapons prohibited by this Code, deciding whether to modify the one-year suspension, the Superintendent may consider the following:

- a) The student's age
- b) The student's grade in school
- c) The student's prior disciplinary record
- d) The Superintendent's belief that other forms of discipline may be more effective
- e) Input from parents, teachers and/or others
- f) Whether the student displayed the weapon or threatened or injured others with the "weapon" at school
- g) Other extenuating circumstances

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

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

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day

suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. 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.

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

Any student who repeatedly is substantially disruptive of the educational process or who substantially interfere with the teacher's authority over the classroom will be suspended 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.

D. Referrals

1. **Counseling**

The building principals 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 one of Article 65 of the Education Law.
- b) Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

- c) Knowingly and unlawfully possessing 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. Referral to County Attorney or Law Enforcement Authorities (as applicable) 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” or “firearm” (as the applicable term is defined by the federal, Gun-Free Schools Act and corresponding provisions of New York Law) to school, except a student 14 or 15 years of age who qualifies for juvenile offender status under New York Criminal Procedure Law §1.20 (42).
- b) The superintendent is required to refer students age 16 and older and any student 14 or 15 years of age who qualifies for juvenile offender status, who has been determined to have brought a “weapon” or “firearm” (as the applicable term is defined by the federal, Gun-Free Schools Act and corresponding provisions of New York Law) to school, to the appropriate law enforcement authorities.

4. Alternative Instruction

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

X. Discipline of Students with Disabilities

The District recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The District 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 federal and state laws and regulations. This Code of Conduct in is not intended to afford students with disabilities greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. Insofar as any provision of this Code of Conduct confers greater or lesser rights than those afforded by applicable federal and state law and regulations, the Code of Conduct shall be read, interpreted and applied strictly in accordance with applicable law.

A. Definitions

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

A **disciplinary change of placement** is a removal from the child's current educational placement for more than ten consecutive school days in the course of a school year, or a series of removals that constitute a pattern, because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to each other.

An **illegal drug** means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority under the Controlled Substances Act or under any other provision of federal law. "Controlled substance" means a drug or other substance as defined under certain schedules of the Controlled Substances Act.

An **interim alternative educational setting or "IAES"** means a temporary educational placement for a period of up to 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.

A **manifestation** means where the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct was a direct result of the school district's failure to implement the IEP.

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

A **serious bodily injury** shall mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted or obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A **suspension** means a suspension pursuant to Education Law § 3214.

A **weapon** is defined as a device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

B. Suspensions or Removals

Students with disabilities shall be afforded the same procedural protections set forth in Education Law §3214 as non-disabled students.

1. CSE Involvement

- a) The student is identified as a student with a disability;
- b) A referral is pending with the home school district's CSE; or
- c) The student is "deemed to be a student with a disability"; which includes students in the following situations:
- d) The parent has expressed concern in writing to school personnel that the student is in need of special education and related services (or orally if the parent cannot write or has a disability which prevents the parent from putting it in writing);
- e) The behavior or performance of the student demonstrates the need for special education in accordance with the definition of "a student with a disability";
- f) The child's teacher or other school district personnel has expressed concern about the behavior or performance of the student to the chairperson, a teacher, the principal, or other school personnel in accordance with the Child Find or CSE referral system.

2. Suspensions Up To 5 Days

A Principal, the Superintendent or the Board of Education may suspend a student from school for up to five (5) days, as long as the discipline imposed is consistent with the discipline imposed on non-disabled students under similar circumstances.

If a student with a disability is suspended from school, then the Principal, District Superintendent or Board of Education will be required to follow the procedures outlined in Article IX(B)(2)(a).

If it is determined that the suspension will not result in a disciplinary change of placement, then the suspension may be imposed without a manifestation determination.

a. Disciplinary Change of Placement & CSE Involvement

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the District's CSE has conducted a manifestation determination. A manifestation determination must be scheduled as soon as possible, but

in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- b. If the CSE finds a manifestation,** then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- c. If the CSE does not find a manifestation,** then discipline may be imposed in a manner similar to that imposed on a non-disabled student.

3. Suspensions Over 5 Days

If an out of school suspension of more than five (5) days is sought, a superintendent's hearing must be held in accordance with Education Law §3214(3)(c) and Article IX(B)(2)(b) of this Code of Conduct.

a. Notice Of Due Process Rights

Parents are to be provided with written notice of their due process rights. Notice of procedural safeguards must be given not later than the day on which a decision to take disciplinary action which could result in a suspension of over ten (10) days is made. The notice must include a full explanation of procedural safeguards available, including those relating to procedures for students who are subject to placement in an interim alternative educational setting.

b. Disciplinary Change of Placement & CSE Involvement

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- c. If the CSE finds a manifestation,** then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs, or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, and is placed in an IAES).
- d. If the CSE does not find a manifestation,** then discipline may be imposed in a manner similar to that imposed on a non-disabled student. The CSE should be notified of any disciplinary action which will be imposed so that it can meet within 10 days to develop/review the functional behavioral assessment and behavior intervention plan.
- e. If the suspension to be imposed will not result in a disciplinary change of placement,** then a manifestation determination will not have to be conducted.

4. IAES for Drugs/Weapons/Serious Bodily Injury

If a student with a disability has been found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, then school personnel may order the student to be placed in an interim alternative educational setting (“IAES”) for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days.

After a finding of guilt has been made at the superintendent’s hearing, but prior to placing a student with a disability in an IAES, the CSE must conduct a manifestation determination. If the CSE determines that the student’s behavior is a manifestation of his/her disability, the student may still be placed in an IAES for up to forty-five (45) days if he/she was found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district. Under such circumstances, the Superintendent may order the student to be placed in an IAES, but the appropriate interim alternative educational setting must be determined by the CSE.

5. IAES for Dangerous Students

In addition, or in the alternative, if the student is dangerous, the District may request an expedited hearing before an impartial hearing officer, who can order that the student be placed in an IAES for up to forty-five (45) days. The FAPE provided to such students shall meet the same requirements as an IAES.

If a suspension results in more than 10 cumulative days of suspension, but does not result in a disciplinary change of placement, the principal (or other designated school administrator) in consultation with the student’s special education teacher, must arrange for services “to the extent necessary to enable the student to:

- Progress appropriately in the general curriculum; and appropriately advance toward achieving the goals in the student’s IEP.

XI. Corporal Punishment

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

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

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

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

XII. Student Searches and Interrogations

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

In addition, the Board authorizes the Superintendent, building principals, the school nurse and appointed 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, the district Code of Conduct, or other school rules.

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.

A. Student Lockers, Desks and other School Storage Places

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

subject to search at any time by school officials, without prior notice to students and without their consent.

Random or blanket searches of school lockers and their contents help deter violations of school rules, ensure proper maintenance of school property, and provide greater security for students and personnel. Therefore, the school may search lockers and their contents at any time on a blanket or random basis. This means a search may be conducted without warning and without the need for suspicion that prohibited items are present in a particular student's locker. At times these random or blanket searches may be conducted with the assistance of drug-detecting canines.

B. 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 in connection with a matter relevant to the work or discipline of the school.

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

C. Child Protective Services Investigations

The District has a commitment to keep students safe from harm and the legal obligation to report to child protective services when there is reasonable cause to suspect that a student has been abused or maltreated. Thus, 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.

Interviews and examinations of students at school by CPS workers shall be conducted in accordance with District Policy.

XIII. Visitors to the Schools

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of 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 their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office and sign out before leaving the building
3. Visitors attending school functions that are open to the public, such as Parent Teacher Organization meetings or public gatherings, are not required to register
4. Parents of a student who wish to observe a classroom 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; provided, however, that nothing in this Code shall be deemed to give parents or other visitors a legal right to visit classrooms during instructional time
5. Teachers are expected not to take class time to discuss individual matters with visitors
6. Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants

7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct

XIV. Public Conduct on School Property

The District is committed to providing an orderly, respectful environment that is conducive to learning and **emulates the district's mission, vision, and values**. 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 of Conduct, "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 of Conduct 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 of Conduct is to maintain public order and prevent abuse of the others rights.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Damage or destroy district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property
3. Disrupt the orderly conduct of classes, meetings, school programs or other school district activities
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability, or on the basis of any other legally protected classification or characteristic
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
7. Obstruct the free movement of any person in any place to which this Code applies
8. Violate the traffic laws, parking regulations or other restrictions on vehicles

9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or illegal substances, or be under the influence on district property or at a school function
10. 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
11. Loiter on or about school property
12. Gamble on district property or at school functions, except for appropriately licensed or authorized charitable organizations engaging in lawful fund raising activities (e.g., raffles and/or games of chance), to the extent permitted by the district's facilities use policy and rules
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties
14. Willfully incite others to commit any of the acts prohibited by this Code
15. Violate any federal or state statute, local ordinance or Board policy while on district property or while at a school function
16. Smoke anywhere on school property or while at school functions or use any tobacco products on district property (pursuant to New York State Law)

B. Penalties

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

1. Visitors

Their authorization, if any, to enter or 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, or enter upon school premises without authorization, they shall be subject to removal and arrest as circumstances may warrant

2. Students

They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process as outlined in the Code of Conduct

3. Tenured faculty members

They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have

4. Staff members

Those in the classified service of the civil service are 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 subdivision 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 their designee shall be responsible for enforcing the conduct required by this Code of Conduct.

When the building principal or their 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 their designee shall tell the individual that the conduct is prohibited and direct the individual to stop. The principal or their 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 their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

XV. Dissemination and Review

A. Dissemination of the Code of Conduct

The Board will direct the Superintendent or their designee to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year
2. Mailing (or otherwise providing, as specified by applicable law) a summary of the Code of Conduct written in plain language to all persons in parental relations to district students before the beginning of the school year and making this summary available later upon request
3. Providing all current teachers with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption, and providing new teachers with a complete copy of the current Code of Conduct upon their employment
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired
5. Making copies of the Code of Conduct available for review by students, parents and other community members on the district website, in school building offices and the district office
6. Posting the complete Code of Conduct, including any annual updates and/or amendments to the Code of Conduct, on the district's web site.

The Board will direct the Superintendent or their designee to 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. The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code of Conduct has been applied fairly and consistently.

The Board and District will direct the Health and Wellness Committee to assist in reviewing the Code of Conduct. The committee may be comprised of representatives of students, teachers, administrators, members of the Board of Education, community members, parent organizations, school safety personnel and other school personnel.

The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in the manner prescribed by the Commissioner.