



Starpoint Central School District

Code of Conduct

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TABLE OF CONTENTS

	PAGE
I. Introduction	3
II. Definitions	3
III. Student Rights and Responsibilities	6
IV. Essential Partners	7
V. Student Dress Code	10
VI. Prohibited Student Conduct	11
VII. Reporting Violations	15
VIII. Disciplinary Penalties, Procedures and Referrals	16
IX. Alternative Instruction	25
X. Discipline of Students with Disabilities	25
XI. Corporal Punishment	32
XII. Student Searches and Interrogations	33
XIII. Visitors to Schools	37
XIV. Public Conduct on School Property	38
XV. Dissemination and Review	40

CODE OF CONDUCT

I. INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property, on a school bus and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

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

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

The conduct of students who participate in interscholastic sports teams, are members of student clubs or organizations, or participate in extracurricular activities will be held to a higher standard. Students participating in the district's extracurricular or interscholastic activities and their parents must sign a written statement that the student will refrain from using alcohol, tobacco and illegal drugs in order to participate in any district extracurricular or interscholastic activities. Disciplinary sanctions regarding students are set forth in this Code of Conduct.

II. DEFINITIONS

For purposes of this code, the following definitions apply.

“Controlled substance” is a drug or other substance or substances having the appearance of a drug identified by the Controlled Substances Act.

“Cyber violations” are inappropriate use of technology, including but not limited to, cell phones, computers, and/or the internet.

“Cyber bullying” means harassment or bullying as defined in this section where such harassment or bullying occurs through any form of electronic communication.

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

“Employee” means any person receiving compensation from the district or through a contracted service provider or a worker placed within the district under a public assistance

employment program.

“Ethnic Group” means a group of people with a common heritage that includes language, culture, and often a shared or common religion or ideology that stresses ancestry.

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

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Harassment and Bullying” mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying, that: A) Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; B) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; C) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or, D) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition, the terms “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Illegal drugs” are the unlawful possession or the unlawful use of controlled substances in an illegal manner.

“Informal Conference” is a scheduled meeting between district supervisors, parents and/or students during which a student and/or parent has a right to express their opinion as to the circumstances of the matter, present evidence on their behalf and hear the evidence in the matter. When the proposal to suspend a student charged with prohibited conduct is for five days or less, the informal conference may be held with the building principal. During this informal conference, the student or parent(s) will also have the right to question witnesses in the action against the student.

“Interim Alternative Educational Setting” (IAES) (as it relates to children with disabilities) means a temporary educational placement for a period of up to 45 days, other than a student’s current placement. This alternative placement enables the student to continue to progress in the general curriculum and to receive appropriate services and modifications as described in the student’s individualized educational program (IEP). The alternative placement and related services are designed to prevent the inappropriate behavior from recurring.

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

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

"PINS" is persons in need of supervision.

"PINS Referral" can be filed in Family Court against a minor under the age of 18 who is alleged to be incorrigible, truant from school, and beyond the lawful control of his/her parents. Usually the referral is filed by a parent, guardian, or school official, but the referral can be filed by the police as well.

"Race" means a group of persons related by a common descent or heredity.

"Religion" means specific beliefs and practices agreed to by a group of people.

"Religious Practice" includes practices and observances such as attending worship services, wearing specific clothing or displaying objects, praying, adhering to dietary rules, etc.

"Removal from Class" means classroom teacher removal of a student for up to two days, if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

"Removal from Class (as it relates to students with disabilities)" 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 or other appropriate party because the student poses a risk of harm to himself/herself or others.

"School Agenda and/or Student Handbook" is a booklet provided to every student grades K-12. At the primary level, the handbook provides an explanation of the school day, school programs, and student expectations and guidelines. At the intermediate level, the document outlines expectations of students, student responsibilities, and school procedures. It also assists students in the management of their assignments, homework, and tests. At the middle school and high school levels, the document outlines student responsibilities and is very specific about appropriate behavior and the consequences of behavior that is deemed inappropriate. Parents should read their child's agenda/ student handbook to become familiar with the rules and behavioral expectations that are expected of all students in the district.

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

"School function" means any school-sponsored extracurricular event or activity.

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

"Sexual Harassment" is inappropriate visual, verbal or physical conduct directed by an

adult to an adult, an adult to a student, a student to an adult, or a student to a student. Sexual harassment is acts that are sexual in nature or gender based; are unwanted or unwelcome; are severe, persistent or pervasive; and interfere with ability to do work, learn or study.

“Superintendent Hearing” is a formal meeting held in compliance with New York State Education Law.

“Suspension” is a severe penalty that 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 as set forth in this Code of Conduct.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

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

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

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

IV. ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children 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 so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.

12. Provide a place for study and ensure homework assignments are completed.
13. Report all issues of discrimination, bullying and harassment to the building administrator and/or the Dignity Act Coordinator, whether during or after school hours.

B. Teachers/Instructional Staff; Administrators; and Other School Personnel

All district teachers are expected to:

1. Promote and 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 or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Be familiar with the code of conduct, know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Address and/or report issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students and staff.

D. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.

5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

E. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address and/or report issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

V. STUDENT DRESS CODE

This section of the code pertains to students only. Section XIV of the code, dealing with public conduct on school property, sets forth the expectation that all persons on school property will be properly attired for the purpose they are on school property.

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process (prohibited items include but are not limited to tube tops, plunging front/necklines, see-through garments)
2. Ensure that undergarments are completely covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats, head scarves, and bandanas in the classroom except for a medical or religious purpose.
5. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, weight, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Not conceal their head or face.

At the beginning of the school year, and as appropriate throughout the year, the Principal will be responsible for informing students and parents of the student dress code for that specific building. Ultimately the school principal will have authority to apply the Code of Conduct and determine what is appropriate.

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. School officials will make every attempt to preserve the dignity of students when addressing student dress code violations. School officials will make every attempt to discuss a student's potential or actual dress code violation without the student's peers present or in the vicinity. Any student who refuses to do so shall be subject to discipline, up to and including 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.

VI. PROHIBITED STUDENT CONDUCT

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

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

The Board recognizes the need to make its expectations for student conduct while on school property, off school property when it affects the student and/or the school environment, or engaged in a school function specific and clear. The rules of conduct listed below are intended to

do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using playing cards, trading cards, toys or hand-held video games during instructional time, unless authorized by a staff member.
4. Using language or gestures that are profane, lewd, vulgar or abusive.
5. Obstructing vehicular or pedestrian traffic.
6. Engaging in any willful act which disrupts the normal operation of the school community.
7. 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 or other staff member.
8. Tilting back on cafeteria or classroom chairs.
9. Trading or exchanging food in the cafeteria, classroom, and bus per health laws.
10. Selling items without appropriate permission from the building office or administration.
11. Inappropriate displays of affection.
12. Driving a car to school without permission from the building principal or designee. Reckless driving by authorized student drivers.
13. Conducting oneself in a disorderly manner in class, bus or cafeteria, during fire drills, field trips, school sports, at dismissal, at assemblies, and any other activity on school property.
14. Computer or electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; altering of system software; tampering of the district computer system; or any other violation of the district's acceptable use policy.
15. Sharing or stealing network, internet, email passwords, or locker combinations.
16. Other disorderly student behaviors that are listed in the school handbook or agenda.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

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

4. Skipping class.
 5. Failure to complete homework assignments or copying assignments.
 6. Other insubordinate student behaviors that are listed in the school handbook or agenda.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the directions of teachers, school administrators or other school personnel in charge of students.
 2. Being late for school or class.
 3. Being unprepared for class.
 4. Throwing or shooting objects.
 5. Failing to comply with any provision of the district's acceptable use policy or procedure.
 6. Disrupting a class.
 7. Loitering on school grounds after school hours.
 8. Pushing, shoving or causing harm to another person.
 9. Using offensive language.
 10. Writing inappropriate notes or text messages.
 11. Playing practical jokes.
 12. Inappropriate or unreasonable use of a personal cell phone or other electronic device including, but not limited to, radios, tape players, CD players, iPods, iPads or tablets, and other personal communication devices.
 13. Electronic devices, including cell phones, is strictly prohibited during classroom instruction (unless permitted by the teacher), classroom tests, state assessments, or any other type of examination.
 14. Other disruptive student behaviors contained in the school handbook or agenda.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Making or possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 4. Displaying or pretending to use what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.

8. Fighting or provoking a fight.
 9. Conspiring with any other individual to commit any of the above acts.
 10. Other violent student behaviors contained in the school handbook or agenda.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others. (See Board of Education policy 3420: Non-Discrimination and Anti-Harassment in the School District for a more complete definition).
 5. Harassment, which is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See Board of Education policy 3420: Non-Discrimination and Anti-Harassment in the School District for a more complete definition).
 6. Bullying, which is an unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
 7. Cyberbullying, which occurs when harassment or bullying happens through any form of electronic communication.
 8. Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This includes, but is not limited to, posting or publishing video, audio recordings or pictures (hard copy, cell phones, Internet, YouTube, etc.).
 9. Sexual harassment, which includes unwelcome conduct of a sexual nature. (See Board of Education policy 7551: Sexual Harassment of Students for a more complete definition).
 10. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 11. Hazing, which includes an induction, initiation or membership process involving harassment (See Board of Education policy 7553: Hazing of Students for a more complete definition).
 12. Selling, using, distributing or possessing obscene material.
 13. Using vulgar or abusive language or gestures, cursing or swearing.
 14. Possessing or smoking a cigarette, cigar, pipe, electronic cigarette, vaping device or using chewing or smokeless tobacco.

15. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 16. Possessing paraphernalia used in connection with: cigarettes, including any type or brand of vapor cigarettes or vaping devices (and associated liquid substances, such as "e-juice") or illegal substances.
 17. Inappropriately using, sharing, or selling prescription or over-the-counter drugs.
 18. Inappropriately misusing common household or other products in a manner inconsistent with the intended purpose to become intoxicated or to alter one's physical and/or mental state.
 19. Gambling.
 20. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 21. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or misuse of a fire extinguisher.
 22. Making threatening or harassing phone calls, statements (verbal or written, including electronic), emails, text messages, or any other form of electronic communication.
 23. Taking pictures or recording video or audio against the will or unbeknownst to a student, staff member, or any other person lawfully on school property or attempting to do so.
 24. Other student behaviors contained in the school handbook or agenda that endangers the safety, physical or mental health or welfare of others.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, horseplay, pushing, shoving, foul language, spitting, extension of body parts out the bus window, littering, throwing items out bus windows, damage caused by misconduct, smoking, eating, drinking, lighting matches or lighters, sexually harassing other students, fighting, and accessing inappropriate material on electronic devices will not be tolerated. Students/ individuals waiting for buses when not on school property are expected to conduct themselves in accordance with the district's Code of Conduct.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.

4. Altering records.
5. Forgery.
6. Copyright violations.
7. Violations of the district's Acceptable Use Policy.
8. Assisting another student in any of the above actions.

H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

VII. REPORTING VIOLATIONS

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

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner and at the level of occurrence. For example, if the incident occurs in the classroom or hallway, the teacher should address the incident. If the teacher needs further assistance in handling the matter, he/she should seek assistance from the school specialists who are familiar with the particular needs of the student such as the school counselor, school psychologist, school social worker, etc. If specific action is taken to assist a student by the school counselor, school psychologist, or school social worker, they should always contact the parents and work with them to address the matter. When all means of addressing the incident are exhausted and the problem continues, the matter should be brought to the attention of the school administrator.

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, which may include permanent suspension and referral for prosecution.

Reporting Violations to Law Enforcement:

- The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that may constitute a crime and substantially affect the order or security of a school as soon as practical.
- The notification shall be made by telephone and possibly followed-up with a letter to the agency.
- The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS¹

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 most effective in changing student behavior. In certain cases, administrators may determine that alternative techniques such as restorative justice may be the most effective intervention for changing behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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. Exceptions to this general rule exist and include, but are not limited to, cases where a violent act has been committed, cases involving illegal drugs, etc.

If the conduct of a student is related to a disability or suspected disability, the student may 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 presumed to have a disability.

A. Penalties

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

1. Verbal warning – any member of the district staff. Staff should use discretion and respect students' dignity and self-esteem.
2. "Time out period" – a special assignment may occur related to a particular incident - teachers, assistant principal, principal, or other administrator.
3. Written warning – bus drivers, hall and lunch monitors, coaches, teachers, assistant principal, Principal, Superintendent, or other administrator.
4. Parent Notification – coaches, teachers, assistant principal, Principal, Superintendent, or other administrator.
5. Lunch Detention – assistant principal, Principal, Superintendent, or other administrator.
6. Detention – teachers, assistant principal, Principal, Superintendent, or other

- administrator.
7. Suspension from transportation – Principal, Superintendent, or other administrator.
 8. Suspension from athletic participation – coaches, Principal, Superintendent.
 9. Suspension from social or extracurricular activities – activity director, Principal, Superintendent.
 10. Suspension of other privileges – Principal, Superintendent.
 11. In-school suspension – assistant principal, Principal, Superintendent.
 12. Removal from classroom by teacher – teachers, assistant principal, Principal, or designee, Superintendent, or designee.
 13. Short-term (five days or less) suspension from school – Principal, or designee, Superintendent, or designee.
 14. Long-term (more than five days) suspension from school –Superintendent, Board of Education.
 15. Permanent suspension from school – Superintendent, Board of Education.

B. Procedures

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

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

1. Detention

Teachers, Assistant Principals, Principals, and the Superintendent, or designee may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parental involvement may be needed in this situation (e.g., to ensure the student has appropriate transportation home following detention).

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's or designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the

student's education (e.g., Home or Alternate Instruction; Alternate Transportation).

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 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. For more detailed information, please see Board of Education policy 7320 - Alcohol, Tobacco, Drugs, and Other Substances (Students).

4. In-School Suspension

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

5. Teacher Disciplinary Removal of Disruptive Students

Informal/Non-Disciplinary Teacher Removal of Student from a Classroom:

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. Prior to removing the student from the classroom the teacher shall make an attempt to inform the receiving party of the specific behavior which led to the removal. Such practices may include, but are not limited to:

- (1) short-term "time out" in supervised, alternative setting or in an administrator's office;
- (2) sending a student into the hallway briefly;
- (3) sending a student to the Principal's office for the remainder of the class time only; or
- (4) sending a student to a guidance counselor or other district staff member for counseling.

Classroom management techniques such as these do not constitute disciplinary removals for purposes of this code and do not require administrators to follow through with procedures pursuant to Education Law §3214.

Formal Teacher Disciplinary Removal of a Student from a Classroom:

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

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

If the disruptive student who is removed from class does not pose a danger or ongoing threat of disruption to the academic process, the teacher must:

- provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.
**If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.*
- complete a district-established disciplinary removal form.
- meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.
- call home to provide the parent or guardian with an explanation for why he or she was removed from class

Within 24 hours after the student's removal, the Principal or designee:

- must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or designee to discuss the reasons for the removal.
- The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent.
- Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- The Principal may require the teacher who ordered the removal to attend the informal conference.

At the informal meeting, if the student denies the charges, the Principal or 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 designee may overturn the removal of the student from class if the Principal finds any one of the following:

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

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

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his 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 Principals. However:

- Any staff member may recommend to the Superintendent or the Principal that a student be suspended.
- All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct.
- All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention.
- In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record

them for subsequent presentation, if necessary.

a. Short Term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must:

- Immediately notify the student orally.
- If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension.
- The suspending authority must also notify the student's parents in writing that the student may be suspended from school.
- The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.
- The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.
- The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.
- If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- After the conference, the Principal shall promptly advise the parents in writing of his or her decision.
- The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within **ten (10)** business days, unless they can show extraordinary circumstances precluding them from doing so.
- The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal.
- If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.
- Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long Term (more than five 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 his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **thirty (30)** days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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 of Education 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.

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.

5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

2. Students who commit violent acts other than bringing or possessing a weapon on school property

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 parent 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 parent 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 substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days.

- For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester.
- If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.
- If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent 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 Student Services or Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part 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.

3. Juvenile Delinquency and Juvenile Offenders

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

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

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

IX. ALTERNATIVE INSTRUCTION

When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. "Immediate" does not mean instantaneous, but it does mean that the district will act promptly, with due regard for the nature and circumstances of the particular case. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of suspension and support student re-entry to the classroom at the conclusion of the disciplinary action.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct,

and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education

- program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
 7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
 8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
 9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
 10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
 12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
 13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the

student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase.
 - a. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification.
 - b. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below.
 - c. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result

in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or

2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

3. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
4. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability:

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

XI. CORPORAL PUNISHMENT²

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 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

NOTE: This section addresses state regulations from the Office of Children and Family Services regarding child protective services investigations. These regulations were issued stemming from a 2015 case entitled Phillips v. County of Orange. This case led to concerns by school districts that they might face liability in allowing interviews of district children by child protective services (without parent consent) if the district did not ensure that the interview was warranted or approved by the District Attorney. These new state regulations provide specific guidance for districts in addressing CPS interviews.

IMPORTANT: *If you have adopted policy language requiring child protective services to*

present a court order or other official justification before allowing an interview of students without parent consent, that language needs to be removed.

We have also provided sample alternative text that can be used to prohibit strip searches. New text is underlined below. NYSSBA still recommends reviewing this policy with the school attorney because of the potential for liability and the complexity of the policy choices that can be made in this area.

Please see notes throughout this policy for more information. Note that while the Code of Conduct itself is a required policy, it is not required to include a section on 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. Parents or guardians of the questioned student will be contacted by a school official regarding the questioning of their child as soon as practicable.

If school officials have reasonable suspicion to believe that a search will result in evidence that the student violated the law or the district code of conduct, they may conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B. They may also conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion.

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

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

A. Student Lockers, Desks and other School Storage Places

The rules 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.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, hat, jacket or shoes. If an authorized school official believes

it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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

In every case, the school official conducting a strip search must have reasonable suspicion to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record, the quality of the knowledge that lead to the reasonable suspicion and the need for such a search.

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

C. Treatment of Cell Phones

NOTE: NYSSBA recommends considering adding the following to give general guidance to staff and students regarding cell phones. Confiscating a cell phone is not considered a search and neither is looking at what is in plain view on the screen of the phone. A search of the contents of a cell phone should be handled with care and consideration. NYSSBA offers the following general approach. The district may wish to provide more detailed guidance in a regulation or procedure for staff.

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 7316, Student Use of Personal Electronic Devices - Bring Your Own Device (BYOD). Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further (i.e., *Confiscating a cell phone is not considered a search and neither is looking at what is in plain view on the screen of the phone.*) Teachers and administrators should not undertake a more extensive search of a cell phone unless they have the student's permission or reasonable suspicion that the contents of the cell phone will reveal a violation of this code of conduct.

D. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.

7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

E. 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.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

F. Child Protective Services Investigations

NOTE: Social Services Law permitted local child protective services (CPS) representatives to request "data and assistance" from school districts. The nature of this data and assistance had not been clearly defined. A recent federal case in the Southern District of New York (Phillips v. County of Orange (2015)) called into question school districts' ability to comply with CPS requests to interview students at school without parent notice or approval, and districts' potential liability for Fourth Amendment violations for complying with CPS requests.

Recent regulations of the state Office of Children and Family Services clarify that "data" includes access to records relevant to the particular investigation, and "assistance" includes

access to certain children for purposes of conducting an interview. This regulation applies to multi-disciplinary teams that may accompany child protective services representatives, which can include members of law enforcement. School districts may not request any information from the multidisciplinary team, other than identification and to identify the child(ren) to be interviewed. However, school districts may have staff members observe the interview, either from the same room or another room. Districts can also require the multi-disciplinary team to comply with the district's policies and procedures for visitors.

This section reflects the regulations.

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance includes:

- access to records relevant to the investigation,
- interviews with any child named as a victim in a report,
- interviews with siblings of that child,
- interviews with children residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker **may not** remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIII. VISITORS TO THE SCHOOLS⁴

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

1. Anyone who is not a regular staff member or student of the school will be considered a

- visitor.
2. All visitors to the school must enter through the designated single point of entry. Prior to entering the building, visitors must show proper government-issued identification. Once they are allowed entrance into the building they will be required to again present photo identification, state the reason for their visit and will be entered into the district visitor management system. Next, they 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 or Main Office before leaving the building.
 3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, may not be required to register.
 5. Teachers are not expected to take class time to discuss individual matters with visitors.
 6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
 7. Visitors who are dropping off items for students shall do so with minimal disruption to the educational environment.
 8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Injure any person or threaten or attempt to injure any person.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including, but not limited to, graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
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 on school property or at school functions.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles on school property.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess, threaten to use or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke or ingest a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.
17. Attempt to or take pictures, record video or record audio without the express consent of a student, staff member, or any other person lawfully on school property or attempt to do so.
18. Violate the Acceptable Use of Technology procedures established by the District.
19. Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This includes, but is not limited to, posting or publishing video, audio recordings or pictures (hard copy, cell phones, Internet, YouTube, etc.).
20. Exhibit behavior, conduct or language that is rude, impolite, discourteous, vulgar or disrespectful, whether on the telephone, in person, at Board of Education meetings or any other school district function or event.

B. Penalties

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

1. Visitors.

- a. Shall be given a verbal warning and may be directed to leave the school property.
 - b. If the behavior is severe or persistent, the individual may lose the privilege of entering school property or attending school events for a specified period of time.
 - c. If conversations with school personnel are vulgar or inappropriate whether in person or on the telephone or via electronic means, school staff will be instructed to indicate that the conduct is offensive and, if continued, will be terminated. As a result, the communication privileges between the individual and the school will be suspended for a specified period of time.
 - d. If communication between parents/guardians and staff become excessive, to the point that it interferes or detracts from school personnel's main job duties, communication privileges between the individual and the school may be suspended for a specified period of time.
 - e. If the behavior is illegal, the proper authorities will be notified to deal with the situation.
- 2. Students.
 - a. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
 - 3. Tenured faculty members.
 - a. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
 - 4. Staff members in the classified service of the civil service.
 - a. 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 subdivisions 3 and 4.
 - a. 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 Superintendent, Principal or their designee shall be responsible for enforcing the conduct required by this code.

When the Superintendent, 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 Superintendent, Principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Superintendent, 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 Superintendent, 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.

XV. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year. This general assembly can be conducted without the physical assembly of the entire student body in one place, provided that the entire student body is given a copy of this code, and that any explanation of its contents be consistent across all groups. The plain language summary may be included in the student handbook/agenda.
2. Making a plain language summary available to all parents via the district's website and offering hard copies upon request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

B. Review of Code of Conduct

The Board 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 has been applied fairly and consistently.

The Board may, but is not required to, appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations.

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

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

¹Ref: Education Law §3214
8 NYCRR §100.2(l)
Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

²Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

³Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

⁴Ref: Education Law §§1708; 2801