

# ROSLYN UNION FREE SCHOOL DISTRICT

## CODE OF CONDUCT

## POLICY 5300

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**(X) Required**

( ) Local

( ) Notice

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### **5300.05 INTRODUCTION**

The Board of Education is committed to providing a safe supportive 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.

This Code of Conduct focuses on the mutual responsibilities of all groups within the school community. There is a universal set of ethical standards which can be enforced in the school district and which students are expected to follow.

The first goal in teaching ethics is to give students a sense of how important these issues are and to encourage them to give greater thought to the ramifications of their actions on a regular basis. The second is to develop an atmosphere that encourages the development of character. The third is to allow students to develop a core of shared ethical values. The final goal is to encourage students to carry these values forward and apply them broadly in their lives.

In drawing the Code, the district has been guided by a desire to be fair, to be even-handed, and to manifest the mutual respect that each member of the public school community feels for every other member.

Unless otherwise indicated, this Code applies to all students, school personnel, parents/persons in parental relation and other visitors when on school property or attending a school function.

### **5300.10 DEFINITIONS**

For purposes of this Code, the following definitions apply.

”Bullying” or “”Harassment” Bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. Acts of bullying and harassment that are prohibited include but are not limited to those 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.

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“Cyberbullying” means harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

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

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“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. “Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, instagram, and twitter.

“Emotional Harm” in the context of “harassment or bullying” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

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

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

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“Gender Identity” means one’s self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

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

“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 extra-curricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

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

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, 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, sling shot, 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.

### **5300.15 STUDENT RIGHTS AND RESPONSIBILITIES**

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

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, or sexual orientation or disability.
2. To learn in an environment free from interruption, harassment, bullying, discrimination, intimidation and fear;
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect and dignity to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and 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 control their anger.
7. Maintain behavior free from all forms of harassment, bullying or discrimination.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to discipline.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the district before, after or during school hours while on school grounds, riding on school buses or when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

**5300.20 ESSENTIAL PARTNERS**

**A. Parents, Guardians, Custodial Caretakers**

Parents, guardians or other persons entrusted with the care and supervision of a person under the age of 18 have the overall responsibility for the behavior of their children, as determined by law, and are expected to cooperate with the school authorities and participate in conferences regarding the behavior of their children.

Parents, guardians, custodial caretakers are expected to provide the foundation of respect, dignity, and self-control so that the student’s behavior will be supportive of the school’s educational program.

All parents, guardians and custodial caretakers are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians/custodial caretakers and the school community.
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. Insist their children be 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, supportive and orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children’s friends through a climate of mutual respect and dignity.
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. Bring any concerns of bullying, harassment or discrimination to the attention of the appropriate school official.
14. Follow school rules and regulations when on school property or attending school functions.

**B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students’ self-concept and promote confidence to learn.

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2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents, verbally, in writing and/or electronically (where available):
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
8. Address issues of discrimination, bullying and 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 or which create a hostile environment.
9. Address personal biases that may prevent equal treatment of all students.
10. Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **C. Guidance Counselors**

Guidance Counselors shall:

1. Maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure, bullying/cyberbullying and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Address issues of discrimination, bullying and harassment, or any situation that threatens the emotional or physical health or safety of any student,

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school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment.

8. Address personal biases that may prevent equal treatment of all students.
9. Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a counselor's attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **D. Other School Personnel**

Other school personnel shall:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the Code of Conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly and supportive environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of bullying, discrimination and 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 or which create a hostile environment.
7. Address personal biases that may prevent equal treatment of all students.
8. Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **E. Principals**

Principals shall:

1. Promote a safe, supportive, 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.



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2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Implement procedures to provide the building level procedural protections afforded to all students pursuant to federal and state law.
7. Address issues of bullying, discrimination and 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 or which create a hostile environment.
8. Address personal biases that may prevent equal treatment of all students.
9. Promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a principal's attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **F. The Dignity Act Coordinator(s)**

The Dignity Act Coordinators shall:

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. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management, and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's Dignity for All Student's Act Policy.
6. Address issues of bullying, discrimination and 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 or which create a hostile environment.
7. Address personal biases that may prevent equal treatment of all students.

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8. If not the school official designated to receive complaints, shall promptly make an oral report of incidents of discrimination and harassment that are witnessed or otherwise brought to a Dignity Act Coordinator's attention, to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **G. Superintendent**

The Superintendent shall:

1. Promote a safe, supportive, 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. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address issues of bullying, discrimination and 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 or which create a hostile environment.
7. Address personal biases that may prevent equal treatment of all students.
8. If not the school official designated to receive complaints, shall promptly make an oral report of incidents of discrimination and harassment that are witnessed or otherwise brought to a superintendent's attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report..

### **H. Board of Education**

The Board of Education expects all certified employees to exercise sound professional judgment in employing preventative, therapeutic and punitive measures to promote acceptable student behavior.

The Board of Education shall:

1. Promote a safe, supportive, orderly and stimulating environment, supporting active teaching and learning for all students regardless of actual

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- or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Collaborate with students, teachers, administrators, 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.
  3. 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.
  4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
  5. Address issues of bullying, discrimination and 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 or which create a hostile environment.
  6. Address personal biases that may prevent equal treatment of all students. Promptly make an oral report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a board member's attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

### **5300.25 STUDENT DRESS CODE**

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.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.

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6. Not include items that are vulgar, obscene, libelous, or denigrate or discriminate against others on account of actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, gender, sex, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Be appropriate to a specific educational purpose and not inhibit full and safe participation in the school environment.

Each Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

### **5300.30 PROHIBITED STUDENT CONDUCT**

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

It is expected that all students conduct themselves in manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying and harassment.

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

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

A student may be subject to disciplinary action, up to and including suspension from school, when the student engages in the following conduct on school property or at a school function:

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

1. Fighting or threatening behavior.
2. Disturbing any lawful assembly or meeting of persons.
3. Creating a hazardous physically offensive condition by any act that serves no legitimate purpose.
4. Defacing school property.
5. Running in hallways.
6. Making unreasonable noise.
7. Using language or gestures that is profane, lewd, vulgar or abusive.
8. Obstructing vehicular or pedestrian traffic.
9. Engaging in any willful act which disrupts the normal operation of the school community.
10. 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.
11. Computer/electronic communications misuse, including any unauthorized use of personnel electronic equipment, such as, but not limited to, cell phones, iPods, iPads and computers, software, or an Internet/Intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.
12. Using skates, skateboards, roller blades, scooters or bicycles on school grounds. This shall not prohibit students from appropriately riding their bicycles to and from school in a non-disruptive or disorderly manner and securing same in the designated area at the indicated place/time.
13. Violating cafeteria behavioral expectations. Food is to be eaten only in the cafeteria or designated areas. Students are expected to sit on chairs or benches and not to have their feet on tables. There is to be no throwing or misuse of food.
14. Violating traffic regulations on school property.

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

1. Direct and deliberate refusal to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Lying to school personnel.
5. Disrespect to students.
6. Attendance violations.

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**C. Engages in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Creating a disturbance.
4. Falsely reporting a fire, bomb or other threat (Please note: false reporting of threats may also result in criminal prosecution).
5. Use of water guns or improper use of water containers of any kind.
6. Conduct disruptive to the educational process.

**D. Engages in conduct that is violent. Examples of violent conduct include, but are not limited to:**

1. Committing an act of violence (such as, but not limited to, hitting, kicking, punching, pushing/shoving and/or scratching) upon a teacher, another student, administrator or other school employee, or any other person lawfully on school property or at a school function, or attempting or threatening to do so.
2. Possessing, using, distributing or selling 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.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally vandalizing, damaging or destroying school district property, including graffiti or arson.
7. Assaulting or willfully injuring another person or threatening to do so, including fighting and/or engaging in violent behavior while on school property or at a school function.

**E. Engages in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:**

1. Bullying, as defined in the “Definitions” section of this Code of Conduct.
  - Bullying may involve, but is not limited to: unwanted teasing, threatening, intimidating, stalking, cyberstalking, cyberbullying, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of school or personal property, social

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- exclusion, including incitement and/or coercion, and rumor or spreading of falsehoods.
2. Lying or committing forgery.
  3. 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.
  4. Stealing or attempting to steal, or participating in the theft of money, or the property of other students, school personnel or any other person lawfully on school property or attending a school function, including the knowledgeable receipt of stolen goods.
  5. Cyberbullying, as defined in the “Definitions” section of this Code of Conduct.
  6. 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.
  7. Discrimination, as defined in the “Definitions” section of this Code of Conduct.
  8. Harassment, as defined in the “Definitions” section of this Code of Conduct.
  9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
  10. Violation of an individual’s civil rights.
  11. Selling, using, possessing, creating or distributing obscene material.
  12. Using vulgar, harassing, discriminatory or abusive language, cursing or swearing.
  13. Smoking or possession of a cigarette, cigar, pipe, e-cigarette, personal vaporizing or other device, using chewing or smokeless tobacco and/or smoking or using other tobacco/nicotine products.
  14. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, possession of drug paraphernalia or being under the influence of alcoholic beverages or illegal substances. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids (Marijuana), and any substances commonly referred to as “designer drugs.”
  15. Inappropriately possessing, using, distributing, attempting to distribute, or sharing prescription and/or over-the-counter drugs, or possessing prescription drugs without prior notification to the school nurse.
  16. Gambling.
  17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  18. Initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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19. Vandalizing, willfully damaging or destroying or attempting to cause damage to school or personal property, or willfully removing or using public or private property without authorization.
  20. Selling, using, possessing or distributing fireworks or other dangerous instruments or contraband capable of inflicting physical injury, or causing damage to property.
  21. Extorting money, goods, or favors from any member of the school community.
  22. Reckless driving.
  23. Sexual harassment.
- F. Engages 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, pushing, shoving, fighting, damaging property, refusing to obey the driver, causing persistent disruption and/or other violations of the Code of Conduct will not be tolerated. Students are expected to be seated while the bus is in motion.
- G. Engages in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:**
1. Lateness for missing or leaving school or class or homeroom without permission or excuse.
  2. Plagiarism. — using ideas, data or language of another without specific or proper acknowledgment.
  3. Cheating — including, but not limited to, copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test taker and other forms of unauthorized collusion.
  4. Fabrication — intentional and unauthorized falsification or invention of any information or citation.
  5. Altering records.
  6. Forging the names of parents, teachers or other students.
  7. Assisting another student in any of the above actions.
- H. Engages in off-campus misconduct that endangers the health and safety of students or staff within the school or at a school function; or that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the misconduct might reach school property. Examples of such misconduct include, but are not limited to:**
1. Cyberbullying as defined in the “Definitions” section of this Code of Conduct.
  2. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel, unauthorized access



to the district's computer network, threats made via the telephone, inappropriate behavior at school bus stops.

- I. **Inciting or conspiring with another person to commit or attempt any of the acts enumerated above.**

**5300.35 REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance or with knowledge of a violation 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 that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations, including but not limited to incidents of harassment, bullying and/or discrimination, which may constitute a crime, and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

**Reporting Incidents of Discrimination, Harassment and Bullying**

Students who believe or perceived they may have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel.

Staff members must promptly make an oral report of all complaints of bullying, harassment, and discrimination that they receive from students or others, whether oral or written, as well as any instances of bullying, harassment or discrimination that they are

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aware of, to the **Principal of the school where the incident occurred** not later than one school day after receipt of a report or witnessing an incident and shall file a written report with the **Principal of the school where the incident occurred** not later than two school days after making the oral report.

Reports of bullying, harassment and discrimination will be promptly investigated in accordance with District policies and procedures.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited under law.

### **Dignity Act Coordinator Contact Information**

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

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Mary Wood	Heights	801-5500
Michelle Hazen	Harbor Hill	801-5400
Justin Gabrus	Harbor Hill	801-5400
Sherry Ma	East Hills	801-5300
Nichole Lewis	East Hills	801-5300
Craig Johanson	Middle School	801-5200
Jennifer Sheehan	Middle School	801-5200
Christopher Roth	Middle School	801-5200
Scott Andrews	High School	801-5100
Carol Murphy	High School	801-5100
Dave Lazarus	High School	801-5100
Jennie Yi	High School	801-5100

This information shall also be posted on the District's web site and included in the plain language summaries of the code of conduct provided to parents and students and shall be further disseminated in accordance with law and regulations.

### **5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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

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

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.

As a general rule, disciplinary action will be progressive. Thus, a student's first violation may merit a lighter penalty than subsequent violations.

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

### **A. Penalties**

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

1. Oral warning — any member of the district staff.
2. Written warning — bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent.
3. Notification to parent — bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent.
4. Reprimand.
5. Detention — teachers, Principal, Superintendent.
6. Teacher Conference.
7. Parent Conference.
8. Referral to police or legal action.
9. Suspension from transportation — Director of Transportation, Principal, Superintendent.
10. Suspension from athletic participation — coaches, Principal, Superintendent.
11. Suspension from social or extracurricular activities — activity director, Principal, Superintendent.
12. Suspension of other privileges — Principal, Superintendent.
13. In-school suspension — Principal, Superintendent.
14. Removal from classroom by teacher — teachers, Principal.

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15. Short-term (five days or less) suspension from school — Principal, Superintendent, Board.
16. Long-term (more than five days) suspension from school — Superintendent, Board
17. Permanent suspension from school — Superintendent, Board.
18. Probation.
19. Restitution.
20. Referral to department chairperson.

### **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 an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **1. Detention**

Teachers, Principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. When a student is assigned detention, the district should attempt to notify the parent of the student. Furthermore, the district will ensure that the student has transportation home.

#### **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 his/her 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.

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, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

**4. In-school Suspension**

The Board recognizes 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 to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.” The in-school suspension teacher will be a certified teacher or teaching assistant.

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

**5. Teacher Disciplinary Removal of Disruptive Students**

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

On occasion, a student’s behavior may become disruptive. 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 the remainder of the class and for up to two additional days. The removal from class applies to the class of the removing teacher only.

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

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

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal the Principal or another district administrator designated by the Principal must notify the student's 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 the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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.

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

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

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.

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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.

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. 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 if necessary record them for subsequent presentation.

#### **a. Short Term Suspension (Five (5) school days or less)**

When the Superintendent or Principal ( the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student of the charge misconduct. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent(s) 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

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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 parent(s) 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 parent(s). At the informal conference, the parent(s) shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

After the informal conference, the suspending authority shall promptly advise the parent(s) in writing of his or her decision. The suspending authority shall advise the parent(s) that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parent(s) are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (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 thirty (30) days of the decision.

### **b. Long Term Suspension (more than Five (5) school days)**

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 parent(s) of their right to a fair hearing pursuant to Education Law § 3214. Notice and a hearing must be completed prior to imposition of the suspension. Such notice shall include that, 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



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stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record.

In cases where the Superintendent appoints a hearing officer, the hearing officer shall make findings of fact and, recommendations as to guilt or innocence of the student and the appropriate measure of discipline, if any, to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. Upon conclusion of the hearing, the Superintendent shall provide the parent(s) with his/her written decision.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within ten (10) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (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 agree to this option, the terms and conditions shall be specified in writing.

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

**(Please refer to specific rules in section 5300.50 regarding students with known disabilities)**

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

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.

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4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, maybe subject to suspension from school for at least five (5) 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, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may suspended from school for at least five (5) 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 three (3) or more occasions during a semester,. If the proposed penalty is the minimum five (5) 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 (5) 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 (5) 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. Disciplinary and Remedial Consequences for Bullying, Harassment and Discrimination**

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

Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

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

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

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

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

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Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

### **E. Referrals**

1. Counseling
  - The Guidance Office shall handle all referrals of students to counseling.
2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders

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

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

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

### **5300.45 ALTERNATIVE INSTRUCTION**

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

### **5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES**

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The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with known 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, determined by the Committee on Special Education (CSE), other than the student's current placement at the time the behavior precipitating the IAES placement occurred. 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 determination* 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 CSE 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.

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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, Superintendent of Schools or a 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 (5) consecutive school days and the amount of time that a non-disabled student would be subject to suspension for the same behavior.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an appropriate IAES, another setting or suspension for a period not to exceed ten (10) 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 duration of the Superintendent's suspension may not exceed the time a non-disabled student would be subject to suspension or removal for the same behavior. The Superintendent also may order additional suspensions of not more than ten (10) 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 (10) 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 CSE for a period of up to forty-five (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 under the district's jurisdiction, 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.

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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 CSE 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 (5) 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 (5) 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. 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. 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. 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 Code of Conduct, 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.



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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 forty-five (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 Determination***

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 ten (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 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 of 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 CSE conduct a functional behavioral assessment of the student and implement a Behavioral Intervention Plan (BIP), unless the district had already

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done so prior to the behavior that resulted in the disciplinary change of placement. However, if the student already has a BIP, 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 BIP.

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 for periods of up to ten (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 for periods of up to ten (10) school days that in the aggregate total more than ten (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.

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.

3. During suspensions or removals in excess of ten (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

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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 CSE 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, 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 by the Committee on Special Education (CSE); 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.

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### *Expedited Due Process Hearings*

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

### *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).

### **5300.55 CORPORAL PUNISHMENT**

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

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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.

In all cases, the employee is expected to use the minimum amount of force necessary.

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

### **5300.60 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.

School officials questioning students shall advise each student why he/she is being questioned. However, parent(s) and students should be aware that school officials are under no obligation to contact a student's parent(s) prior to questioning the student nor are the students entitled to be advised of their legal rights, i.e. "Miranda"-type warning, before being questioned by school officials as such rights only apply to situations where an individual is being questioned while in the custody of police.

An authorized school official, including, but not limited to, the Superintendent of Schools, Principal, the school nurse and district security officials may conduct a search of students and/or his/her belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

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

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

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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 of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

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

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. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. Accordingly, 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.

### **B. Strip searches**

A strip search is a search that requires a student to remove any or all of his/her clothing. For purposes of this provision, "clothing" does not include an outer coat or jacket. Searching a student's shoes, socks and sweatshirt, and the exposure of a student's ankles and waistband does not constitute a strip search where the student is not asked to remove his/her shirt or pants.

Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the health or safety of others, the student under reasonable suspicion of having engaged or engaging in unlawful or otherwise proscribed activity shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

### **C. 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

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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.

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

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

### **E. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the

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

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

**5300.65 VISITORS TO THE SCHOOLS**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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 report to the Welcome Desk. Before a visitor may enter a school they must state their name and display their driver's license toward the camera located at the front of the building. If a license cannot be produced, the visitor will not be buzzed in without the authority of an administrator. First time visitors will have their picture taken which registers them in our data base. Their license will be scanned and kept until they exit. A visitor's pass will be issued and must be displayed at all times.
3. The visitor must return the identification badge to the Welcome Desk before leaving the building.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
9. Student visitors to school must apply for permission from appropriate official in accordance with the building Code of Conduct.



**5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes 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, are expected to be properly attired for the purpose they are on school property and must adhere to the guidelines of this Code of Conduct.

**A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
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 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, are discriminatory or are disruptive to the school program.
5. Intimidate, harass, bully or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, sexual orientation, disability, marital status, military status, predisposing genetic characteristics or domestic violence victim status.
6. Engage in acts of bullying/cyberbullying, harassment and/or discrimination.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.

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12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Smoke a cigarette, cigar, pipe, e-cigarette, personal vaporizing or other device, using chewing or smokeless tobacco and/or smoke or use other tobacco/nicotine products on district properties.
17. Make or cause to be made bomb threats, false alarms or false reports of school closings or cancellation of school events.
18. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

### **B. Penalties**

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

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

### **C. Enforcement**

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

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn

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the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **5300.75 DISSEMINATION AND REVIEW**

#### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the Code to all students, in an age-appropriate version, written in plain-language, at a school assembly to be held at the beginning of each school year.
2. Posting a complete copy of the Code of Conduct, including any annual updates or amendments thereto, on the District's website.
3. Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of each school year and making this summary available later upon request.
4. Providing all teachers and other staff members with a complete copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new teachers with a complete copy of the current Code of Conduct when they are first hired.
6. Making complete copies of the Code available for review by students, parents or other persons in parental relation to students, other school staff and other community members.

The District, based on the recommendation of the Superintendent will implement an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, harassment or bullying against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

#### **B. Review of Code of Conduct**

# ROSLYN UNION FREE SCHOOL DISTRICT

## CODE OF CONDUCT

POLICY 5300

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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 appoint an advisory committee to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

Adopted: 12/1989,

Revised: 6/28/12, 9/12/13

6/14 Updated Dignity Act Coordinators

8/15 Updated Dignity Act Coordinators

8/16 Updated Dignity Act Coordinators

7/17 Updated Dignity Act Coordinators

10/04/18 Revisions Adopted

7/21 Updated Dignity Act Coordinators