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**CODE OF CONDUCT #7310**

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## **CODE OF CONDUCT**

### **7310.01 INTRODUCTION**

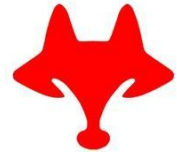
The Board of Education is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents/guardians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

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

All persons on school property must behave in a safe manner, and when required by the district during an outbreak of a communicable disease, this may include, but is not limited to, maintaining appropriate distance from others and wearing face coverings or other personal protective equipment.

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians and other visitors when on school property at school-sponsored functions, events and/or activities, or off of school grounds, if the behavior or misconduct creates, or would foreseeably create a risk of a substantial disruption within the school environment.



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## **CODE OF CONDUCT**

### **7310.05 DEFINITIONS**

For purposes of this code, the following definitions apply.

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

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

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

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

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

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

“School function” means any school-sponsored extracurricular event or activity, regardless of where it is held.

“Sexual orientation” means actual or perceived sexuality, including but not limited to 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.
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.
3. Possess, while on school property or at a school function, a weapon, such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument that is capable of causing physical injury or death.
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.

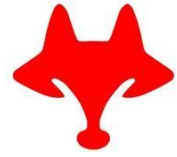


“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle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

“Bullying” means any negative behavior that is intentional, repeated, involves an imbalance of power, and is directed at a student by another student or group of students, or by a staff member, which meets at least one of the following criteria: (1) causes foreseeable physical harm to the student, or causes the student to reasonably fear such harm; (2) causes foreseeable emotional harm to the student that is unreasonable or malicious; (3) causes damage to or the loss of the student’s property; (4) discriminates against the student on the basis of his or her actual or perceived race, color, national origin, ethnicity, creed, religion, religious practice, weight, gender, disability, sexual orientation, sex or economic status; (5) creates an objectively intimidating or hostile environment that substantially interferes with the student’s educational opportunities and experiences; or (6) includes but is not limited to the misuse of technology whereby harassing, intimidating, threatening, terrorizing, or sexual messages are sent or posted via such electronic means as email messages, instant messages, text messages, digital pictures or images, website and blog postings, and social networking sites.

“Harassment” 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 their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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



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## **CODE OF CONDUCT**

### **7310.10 STUDENT RIGHTS AND RESPONSIBILITIES**

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

The district is committed to safeguarding the rights given to all students under state and federal laws and district policy, including the right to due process. No student shall be subjected to discrimination and/or harassment and/or bullying by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of his/her actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression), sex, sexual orientation, or disability.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be free from discrimination, and/or harassment and/or bullying by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex.
7. To be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

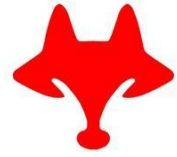
#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment and discrimination.
3. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class, on time, and



- 
- prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
  6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
  7. Use a polite tone of voice and appropriate body language, listening when others are speaking.
  8. To be truthful when speaking with school officials regarding Code of Conduct violations.
  9. Respect personal space.
  10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
  11. Ask questions when they do not understand.
  12. Seek help in solving problems.
  13. Dress appropriately for school and school functions.
  14. Accept responsibility for their actions.
  15. Not to engage in discrimination, harassment and/or bullying on school property or at school functions based upon another person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex.
  16. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.



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## **CODE OF CONDUCT**

### **7310.15 ESSENTIAL PARTNERS**

All members of our learning community – including students, staff, parents/guardians, and engaged service providers – must assume responsible roles in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

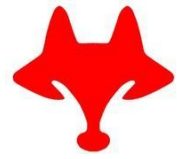
Those responsibilities include but are not limited to the following:

#### **A. Parents/Guardians**

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, all parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community and collaborate with the District to optimize their child's educational opportunities.
2. Send their children to schools ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, respectful, supportive school environment.
8. Discuss with their children the importance of mutual respect and dignity for their peers regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex.
9. Convey to their children a supportive attitude toward their education and the district.
10. Build positive, constructive relationships with teachers, other parents/guardians and their children's friends.
11. Tell school officials about any concerns or complaints in a respectful and timely manner.
12. Help their children develop strategies to effectively manage peer pressure and know when to seek assistance and from whom.
13. Inform school officials of changes in the home situation that may affect student conduct or performance.
14. Provide a place for study and ensure homework assignments are completed.
15. Be respectful and courteous to staff, other parents/guardians and students while on school premises.



## B. Staff

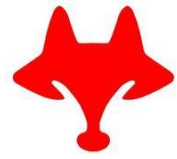
The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to the school principal so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g., anger, outbursts, withdrawal, self-injury).

To achieve this goal, all district staff are expected to:

1. Recognize that the education of their students is the joint responsibility of the parents/guardians and the school community.
2. Maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-worth and promote students' confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for students and student achievement.
5. Adhere to school policies and rules, and enforce them in a fair, timely, and consistent manner.
6. Maintain confidentiality in conformity with federal and state law.
7. Communicate to students and parents/guardians information about the classroom experience, including, but not limited to:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Expectations for students
  - d. Classroom behavior discipline plan.
8. Communicate regularly with students, parents/guardians, and other teachers concerning growth and achievement, including student behavior, conduct, work habits, or other circumstances that may impact student performance.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with applicable labor and employment laws and collective bargaining agreements.
10. Promptly address issues of discrimination, harassment, bullying, and/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.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention.
13. Not engage in the discrimination, harassment, bullying, and/or any situation that threatens the emotional or physical health or safety of any student on school property or at school





functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

#### C. Other School Personnel

1. Maintain a climate of mutual respect and dignity for students and fellow staff members regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
2. Be prepared to work.
3. Maintain confidentiality in accordance with federal and state law.
4. Demonstrate an interest and concern for assisting in the education process of students.
5. Know school policies and rules, including the Code of Conduct.
6. Help children understand the district's expectations for maintaining a safe and orderly school environment.
7. Communicate regularly with administrators, principals, teachers, and fellow staff members.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Report incidents of discrimination, harassment, bullying, and/or 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.
10. Address personal biases that may prevent equal treatment of all students.
11. Not engage in the discrimination, harassment and/or bullying of students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

#### D. School Counselors

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 (including gender identity and expression) or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
5. Regularly review with students their educational progress and career plans.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs and activities.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with applicable labor and employment laws and collective bargaining agreements.
10. Address issues of discrimination, harassment, bullying, and/or 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.

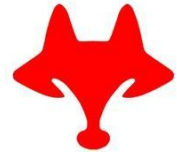
11. Address personal biases that may prevent equal treatment of all students,
12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention.
13. Not engage in the discrimination, harassment and/or bullying of students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender orientation and expression) or sex.

#### E. Principals/Administrators

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 (including gender identity and expression), or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in extracurricular activities.
6. Maintain a climate of mutual respect and dignity, which will promote students' confidence to learn.
7. Provide support in the development of the Code of Conduct, when called upon. Disseminate the Code of Conduct and anti-harassment policies.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with applicable labor and employment laws and collective bargaining agreements.
9. Enforce the code of conduct and ensure that all cases are resolved promptly and fairly.
10. Address issues of discrimination, harassment, bullying, and/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.
11. Address personal biases that may prevent equal treatment of all students and staff.
12. Will not engage in the discrimination, harassment and/or bullying of students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

#### F. Superintendent

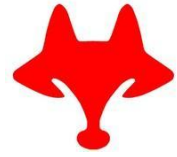
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) 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. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs.
6. Work with district administrators in encouraging a positive school climate, enforcing the code of conduct, and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of discrimination, harassment, bullying, and/or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Will not engage in the discrimination, harassment and/or bullying of students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

#### G. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
4. Collaborate with student, teacher, administrator, parent organizations, school safety personnel, and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
5. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
7. Foster an atmosphere of mutual respect and responsibility for all students regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression) or sex.
8. Ensure a safe and secure environment, which facilitates the realization of each student's full academic potential.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Not engage in the discrimination, harassment and/or bullying of students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression) or sex.



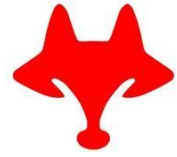
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## **The Dignity Act Coordinator(s)**

A Dignity Act Coordinator must be identified by the board annually for each school in the district. It is important this is someone accessible to students Monday through Friday. The name and contact information for the Dignity Act Coordinator(s) must be included in the Code of Conduct, and their contact information is listed on the first page of the Code of Conduct. The Board is not required to hold a public hearing to change this information.

Their duties are as follows:

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 (including gender identity and expression) 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 bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.



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## **CODE OF CONDUCT**

### **7310.20 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/guardians 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.

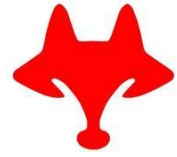
A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, must:

1. Be safe, appropriate and not disrupt or interfere with the educational process. School officials may not prescribe students' dress while students attend school in cases where fashion or taste is the sole criterion.
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 all undergarments are 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, hoods, or other head covers in the school building except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others based on race, color, religion, religious practice, weight, creed, national origin, ethnic group, gender (gender identity and gender expression), sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco/nicotine, guns/weapons or illegal drugs and/or encourage other illegal or violent activities such as weapons or pictures relating to alcohol, tobacco, guns/weapons or illegal drugs.
8. Wear masks/appropriate face covering as required by school administrators on all district properties.

Nothing in this policy will be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

Each Building Principal or designee is responsible for informing all students, parents/guardians, and faculty/staff of the student dress code at the beginning of the school year and any revision to the dress code made during the school year.

Students who violate the student dress code may 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 may 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 may be subject to further discipline, up to and including out of school suspension.



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## CODE OF CONDUCT

### 7310.25 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence, intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

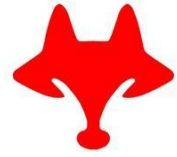
The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their mistakes or misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place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

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

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

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

1. Homicide: Murder and non-negligent manslaughter.
2. Forcible Sexual Offenses: involving completed or attempted forcible sexual compulsion, and forcible inappropriate sexual contact.
3. Sexual Offense Other: Other sexual offenses involving inappropriate sexual contact without forcible compulsion.
4. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, school employee, student or any other person lawfully on school property.
5. Weapons possession: 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. This includes displaying what appears to be a weapon or threatening to use any weapon.
6. Bomb and Violent Threat: Initiating a report of warning of a bomb, or any other violent threat that would indicate the use of weapons, either verbally or in writing, without valid cause.
7. Robbery: The taking of, or attempting to take, anything of value that is owned by another person or organization, under confrontational circumstances by force or violence, and/or putting the victim in fear.

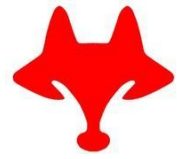


8. Arson: The unlawful and intentional damage, or attempt to damage, any real or personal property by fire or incendiary device. Firecrackers, fireworks and trash-can fires would be included in this category if they were contributing factors to a damaging fire.
9. Kidnapping: The unlawful seizure, transportation and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.
10. Reckless Endangerment: Indifferent to exposing others to harm or danger.
11. Burglary: Forcible entry on school property; the act of illegally obtaining access to a school building, classroom, or office area and stealing.
12. Criminal Mischief/Vandalism: Intentionally damaging, defacing or destroying school or personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti.
13. Larceny or Other Theft Offenses: Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function; purchasing stolen property on school property or while attending a school function.
14. Riot: Involving four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.

**B. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

**Examples of this type of behavior include, but are not limited to:**

1. Attempting to engage in or perform an act of violence noted in the section above.
2. Intimidation, Harassment, Menacing or Bullying: Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs including verbal conduct that is offensive which involves race, ethnicity, national origin, religion, religious practices, gender (gender identity and gender expression), sexual orientation, age, or disability; creating 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 their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex. Threats, intimidation or abuse shall include verbal and non-verbal actions.
3. Use possession or sale of Drugs: Possessing, consuming, selling, offering, manufacturing, sharing of legal prescription or over-the-counter drugs, distributing, or exchanging illegal substances or being under the influence. This includes the possession of drug paraphernalia, i.e. rolling papers, pipes and any cylinder type device used to inhale an illegal substance. "Illegal substances" include, but are not limited to: inhalants,



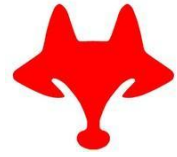
marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any synthetic version thereof, whether specifically illegal or not, tranquilizers, and any substances commonly referred to as “designer drugs,” which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.

4. Use, possession or sale of Alcohol: Possessing, consuming, selling, distributing or the exchanging of alcoholic beverages or being under the influence.
5. Possession or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco; using electronic cigarettes (edibles, residue) battery-operated devices that people use to inhale an aerosol, which typically contains nicotine (though not always), flavorings, and other chemicals.
6. Defamation, which includes making false or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
7. Discrimination, which includes the use of race, color, creed, national origin, religion, gender (including gender identity and expression), sexual orientation or disability as a basis for treating another in a negative manner.
8. 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.
9. Selling or using or possessing obscene, lewd, vulgar or pornographic material.
10. Using language or gestures that are profane, lewd, vulgar, or abusive which could be considered sexual harassment. Sexual harassment means unwelcome sexual advances, requests of favors, and other verbal or physical conduct of a sexual nature.
11. Gambling: i.e., participating in professional or collegiate sports betting and or tournament pools, and card playing where money is collected or exchanged.
12. Indecent exposure, that is, exposure to sight of the private parts of the sexual organs of the human body.
13. Initiating a report warning of fire or other catastrophe without valid excuse, misuse of 911, or discharging a fire extinguisher, or “pulling” a fire alarm handle to activate the fire alarm system or pulling the lockdown alarm handle to activate a lockdown.
14. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

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

1. Running or otherwise unsafe behavior in hallways, classrooms, or spaces where such behavior is not appropriate.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building other than the one they regularly attend, without permission from the school administrator in charge of the building.





7. Computer/electronic communications misuse, including any unauthorized use of recording devices (i.e., cell phone, camera, video camera, laptop recorder) and any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; posting unauthorized text or video on the internet (i.e., unauthorized text or video on internet social networking sites) or any other violation of the district's Acceptable Use Policy.

**D. Engage in conduct that deliberately goes against the Code of Conduct, what a student has been asked to do, or where they are supposed to be at any given time. This behavior is considered insubordinate.**

Examples of this type of behavior include, but are not limited to:

1. Failing to comply with the reasonable directives of teachers, school administrators or school employees in charge of students or otherwise demonstrating belligerence or disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Lying to school personnel.

**E. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive. Examples of this type of behavior 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. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, I-pads, digital cameras, in a manner that is in violation of district policy.

**F. Engage in misbehaviors otherwise prohibited by Sections A-E of this section while on a school bus and failure to remain seated, keep objects and body parts inside the bus, obey the directions from the bus driver or monitor.** 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. The following will not be tolerated:

1. Excessive noise
2. Pushing
3. Shoving
4. Fighting

**G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:**

1. Plagiarism
2. Cheating
3. Copying
4. Altering Records
5. Assisting another student in any of the above items.

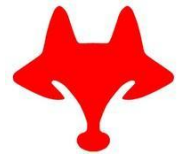


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**H. Engage in off-campus misconduct that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes but is not limited to:**

- threatening or harassing students or school personnel through any means off-campus
- misbehavior during online, distance, or remote learning
- cyberbullying

*(For a complete definition of harassment, bullying, and cyberbullying, refer to policy 0115 Student Harassment and Bullying Prevention and Intervention).*



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## CODE OF CONDUCT

### 7310.30 REPORTING VIOLATIONS

The district's goal is to ensure that the school community is free of violence, intimidation, bullying, harassment, and discrimination, all students and staff are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property, at a school function or on a school bus must report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools. Any student who witnesses or is subjected to incidents of discrimination, harassment and/or bullying by another student, by a District employee and/or by any other visitor on school property or at a school function, are expected to promptly report the incident to a teacher, guidance counselor, psychologist, social worker, Principal, Dignity Act Coordinator or the Superintendent of Schools. Failure to report violations of the code of conduct may result in disciplinary action.

#### **Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff**

All district staff who 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. All district staff are required to orally report incidents of bullying, harassment or discrimination that they observe on school property or at school functions or that is reported to them to their supervisor, the Principal, the Principal's designee or a Dignity Act Coordinator no later than one school day after their observation or receipt of a report of harassment, bullying or discrimination. In addition, all district staff are required to file a written report of any incident of bullying, harassment or discrimination that they observe on school property or at school functions or that is reported to them to their supervisor, the Principal, the Principal's designee or a Dignity Act Coordinator no later than one school day after making the oral report.

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

The principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/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.



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## **CODE OF CONDUCT**

### **7310.35 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Consequences, and if needed, discipline are most effective when they deal 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.

Consequences and 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 consequences 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/guardians, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, district staff are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

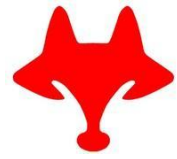
If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education and discipline, if warranted, will be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. Generally, a student identified as having a disability will not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

#### **A. Consequences**

Students who are found to have demonstrated inappropriate behavior may be subject to the following interventions, consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process.

The range of penalties which may be imposed for violations of the Code of Conduct includes:

1. Oral warning – teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privileges— any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, deans, Assistant Principals, Principal, Superintendent
3. Written notification to parent – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, deans, Assistant Principal, Principal, Superintendent
4. Detention – teachers, deans, Assistant Principal, Principal, Superintendent



5. Suspension from transportation – Director of Transportation, Assistant Principal, Principal, Superintendent
6. Suspension from athletic participation – coaches, Principal, Athletic Director, Superintendent
7. Suspension from social or extracurricular activities – Activity Director, Assistant Principal, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Removal from classroom by teacher – teachers, Assistant Principal, Principal
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
12. Long-term (more than five days) suspension from school – Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

## B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged inappropriate behavior 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 consequence in connection with the imposition of the consequence.

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

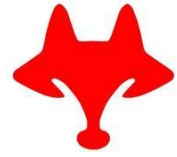
### 1. Detention

Teachers, Deans, Assistant Principals, Principals and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

### 2. Suspension from transportation

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the principal'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 making sure that their 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 consequence involved.

### 3. Suspension from athletic participation, extracurricular 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 consequence involved.

### 4. In-school Suspension

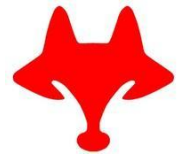
The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school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

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 consequence 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 a 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 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 into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a school 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 more disruptive than a teacher can manage. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.



A classroom teacher may remove a disruptive student from class for up to three instructional periods. An elementary classroom teacher may formally remove a student from class for up to three class periods. This period of time is equivalent to that class time which a secondary teacher is allowed, i.e., 45 minutes each day for up to three days. In no case should the student remain out of that teacher's class for more than one instructional period without administrative intervention. The decision to keep a student out of that teacher's class for longer than one instructional period will be made by an administrator after consultation with the teacher.

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 they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

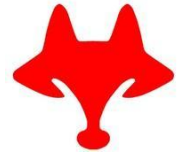
If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within 24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

The teacher must complete the appropriate conduct form to document the reason for the removal and meet with the principal or 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 forms. 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 that the student has been removed from class and why. The notice must also inform the parent that they have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The 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/guardians.

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



The principal or 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.

The principal or 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 will be offered continued educational programming and activities until they are permitted to return to the classroom.

Each teacher must complete a school provided form for all cases of removal of students from their class. The principal must keep a file 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 class until they have 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.

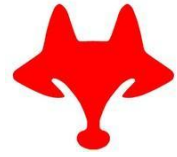
## 6. Suspension from School

Suspension from school is a severe consequence, 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 and /or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals will 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, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.





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

When the Superintendent or Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents/guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians. 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 will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parents of the right to request an informal conference with the principal at which the student and/or the student’s parents/guardians may present the student’s version of the event and ask questions of the complaining witnesses. Both the notice and informal conference will be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference will 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 will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents/guardians in writing of their decision. The principal will advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten (10) business days unless they can show extraordinary circumstances precluding them from doing so. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District Clerk within 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 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent or Principal determines that a suspension for more than five days may be warranted, they must give reasonable notice to the student and the student’s parents/guardians of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.



The Superintendent will personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing will be maintained, but no stenographic transcripts will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within thirty (30) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

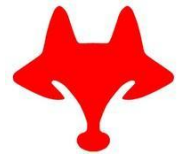
1. Students who bring a weapon to school property

Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death 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 consequence, the Superintendent may consider the following:

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

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

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



Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, will be subject to suspension from school for at least five days. If the proposed consequence 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 consequence 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 consequence, 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

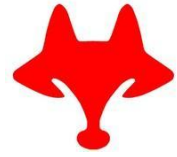
Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least one day. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum one-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 consequence 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 consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### D. Referrals

In order to create and maintain a positive learning environment for all students, the district believes that certain remedies and procedures which focus on intervention and education should be utilized. Such remedial measures are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act(s). District staff are authorized to provide for: peer support groups, corrective instruction and/or other relevant learning or service experiences; supportive intervention; behavioral assessment(s) and/or evaluation(s); behavioral management plans; and/or student counseling and parent conferences.

1. Counseling

The Guidance Office, School Psychologist, or Social Worker will handle all referrals of students to counseling, facilitate as needed peer support groups, conduct behavior assessments and/or evaluations, and develop as needed behavior management plans.



## 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 they require supervision and treatment by:

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

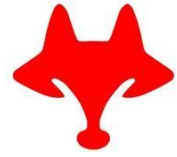
## 3. Juvenile Delinquents and Juvenile Offenders

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

1. To the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - a. Any student under the age of 16, except students aged 14 or 15, qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42).
2. To the appropriate law enforcement authorities:
  - b. All students aged 16 and older, and all students aged 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law § 1.20(42).

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

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except for a pocketknife with a blade less than 2½ inches long. A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas).



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## **CODE OF CONDUCT**

### **7310.40 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. The Board of Education expects students, administrators, teachers, and parents/guardians to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

### **7310.45 DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's Code of Conduct, and/or to temporarily remove a student with disabilities from their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or others. The Board also recognizes that students with disabilities deemed eligible for education services under the IDEA and Article 89 of New York 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

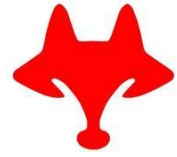
Therefore, the Board is committed to ensuring that the District follows suspension and removal procedures that are consistent with those protections.

The Code of Conduct is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable federal and state law and regulations.

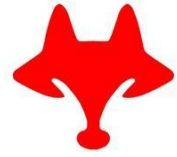
### **Definitions**

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 identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:



- a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and, because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. Illegal drug means a controlled substance but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed, or used under the authority of the Controlled Substances Act or under any other provision of federal law.
  5. Interim alternative educational setting (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable the student to continue to participate in the general curriculum and progress towards meeting the goals set out in the student's IEP, as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior to prevent it from recurring.
  6. Manifestation review means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement and conducted in accordance with requirements set forth later in this policy.
  7. Manifestation team means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the Committee on Special Education (CSE) as determined by the parent and the district.
  8. Removal means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an interim alternative educational setting (IAES).
  9. School day means any day, including a partial day, that students are in attendance at school for instructional purposes.
  10. Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  11. Student presumed to have a disability for discipline purposes means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.



12. Suspension means a suspension pursuant to [§3214 of New York’s Education Law](#).

13. Weapon means the same as the term “dangerous weapon” under [18 USC §930\(g\)\(2\)](#) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

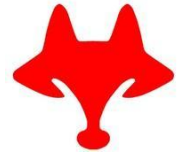
A. Authorized Suspensions or Removals of Students with Disabilities

In accordance with the procedural protections applicable to the discipline of students with disabilities:

1. School personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:

- a. The Board, the district (BOCES) Superintendent of Schools or a Principal with the authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may directly, or upon recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student’s behavior warrants the suspension.
- c. The Superintendent 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 in placement.
- d. The Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for a period in excess of ten consecutive school days if the Committee on Special Education (CSE), 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 for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student (i) has inflicted serious bodily injury upon another person while at school, on school property or at a school function, or (ii) carries or possesses a weapon to or at school, on school property, or to or at a school function, or (iii) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school property or at a school function.

2. 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 setting to be



determined by the committee on special education for a period for up to 45 school days for the same reasons listed in Section 1(d) above.

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

#### B. Change of Placement Rule

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

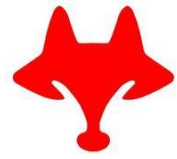
However, the district may impose a suspension or removal which would otherwise result in a disciplinary change in placement based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES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

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

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents/guardians or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer will 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 their 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 they 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.

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





The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

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

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

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

#### E. Parental Notification of a Disciplinary Change of Placement

The district will provide the parents/guardians 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.

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

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if they determine 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.

#### G. Manifestation Review

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

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



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

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

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

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

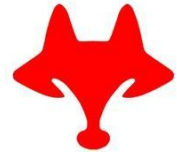
1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which they were 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/guardians and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

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

#### H. Services for Students with Disabilities during Periods of Suspension or Removal

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

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change



in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

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

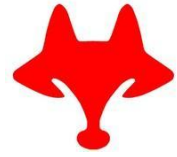
In such an instance, the committee on special education will determine the appropriate services to be provided.

#### I. 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 misbehaviors has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

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

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or



3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

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

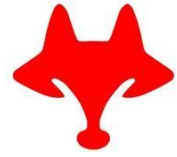
1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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

#### J. Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is "dangerous" and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with [8 NYCRR §201.8](#) and [201.11](#).

1. The Manifestation Team will conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE's recommendation.



#### K. Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

#### L. 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:

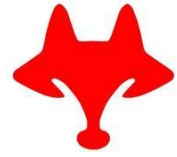
1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement;
2. The District during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings;
3. The student's parent regarding 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.

#### M. 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).



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## **CODE OF CONDUCT**

### **7310.50 CORPORAL PUNISHMENT**

The Board of Education prohibits the use of corporal punishment against any student by any district employee. Corporal punishment is any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided herein.

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.

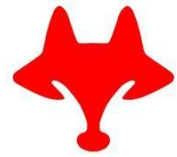
#### **Staff training**

Staff persons who may be called upon to implement reasonable physical force will be provided with appropriate training in safe and effective restraint procedures.

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

#### **Documentation and Parental Notice Required**

Personnel involved in the use of emergency interventions shall be directed by their immediate supervisor to prepare a written report for each student upon whom emergency interventions are used. This report shall include the name and date of birth of the student; the setting and the location of the incident; the name of the staff or other persons involved; a description of the incident and the emergency intervention used, including duration; a statement as to whether the student has a current behavioral intervention plan; and details of any injuries sustained by the student or others, including staff, as a result of the incident. This written report shall be forwarded to the Superintendent of Schools and the school nurse or physician. The parent of the student shall be notified of the emergency intervention by the Superintendent of Schools or his/her designee.



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## **CODE OF CONDUCT**

### **7310.55 STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

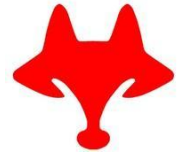
An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, 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.

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

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

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

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.



## B. Strip searches

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket. An authorized school official may conduct a strip search only where the school official reasonably believes that an emergency situation exists that could or will threaten the safety of the student and/or others. Prior to conducting any strip search, the authorized school official must receive advanced authorization to conduct the strip search from the Superintendent of Schools or the school attorney, unless the circumstances preclude such advanced authorization.

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

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

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

## C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the Code of Conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

## D. Documentation of Searches

The authorized school official conducting the search will 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 their 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 parent or guardian notification.





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

#### E. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or designee must first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. In the absence of a search or arrest warrant, or in the event that the police officials do not have probable cause to believe that a crime has been committed on school property or at a school function, a student may not be questioned or searched without the consent of the student's parent or guardian. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

#### F. Child Protective Services Investigations

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.

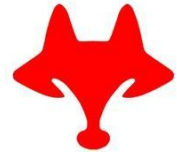
All requests by child protective services to interview a student on school property must be made directly to the Principal or designee. The Principal or designee must set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being



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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 their 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 their 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 they 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 or guardian's consent.



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## **CODE OF CONDUCT**

### **7310.60 VISITORS TO THE SCHOOLS**

The Board encourages parents/guardians 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 designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents/guardians or citizens who wish to observe a classroom while school is in session must arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. Student visitors from other schools, unless they have a specific reason and prior approval of the Superintendent of Schools or designee, will not be given permission to enter school Buildings. New students accompanied by their parents/guardians are always welcome by appointment.

Visits to school buildings are to be in accordance with the Board regulations posted in conspicuous places. The principal or designee is authorized to take any action necessary to secure the safety of students and school personnel. Unauthorized visitors shall be requested to leave school premises immediately and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse.



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## **CODE OF CONDUCT**

### **7310.65 PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing a safe, welcoming, engaging, orderly, and respectful environment that is conducive to learning. To maintain this kind of an environment, the public must adhere to the expectations of the district. For purposes of this section of the Code, “public” means all persons when on school property or attending a school function.

The expectations for the public’s conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, maintain order, and prevent infringement on of the rights of others.

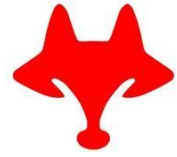
All persons on school property or attending a school function must conduct themselves in a safe, respectful, and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

All visitors who witness an incident of discrimination, harassment and/or bullying of a student by a student, by a District employee and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to District Staff.

#### **A. Prohibited Conduct**

No person, either alone or with others, may:

1. Intentionally injure any person, attempt to do so or threaten to do so, or endanger the safety of themselves or others.
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 or threaten to do so.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, bully or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender (gender identity and expression), sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, tobacco/nicotine, controlled or illegal substances or drugs or any synthetic version (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess, use, or threaten to use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.



12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoking a cigarette, cigar, pipe, electronic cigarette (including vaping), or use chewing or smokeless tobacco.

## B. Consequences

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

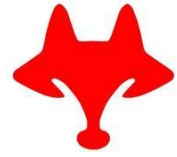
1. Visitors. Their authorization, if any, to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be subject to ejection. Violators may be subject to the loss of their right to enter school property in the future.
2. Students. They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They will 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 will 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 will 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 designee is be responsible for enforcing the conduct required by this code.

When the Principal or designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence, bullying, harassment, and discrimination, misconduct or otherwise not allowed behaviors, , which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or designee will tell the individual that the behavior t is prohibited and attempt to persuade the individual to stop. The Principal or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the undesired behaviors, or if the person’s conduct poses an immediate threat of injury to persons or property, the Principal or designee will 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 will initiate disciplinary action against any student or staff member, as appropriate, with the “Consequences” section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.



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## **CODE OF CONDUCT**

### **7310.70 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 in plain language to all students and parents/guardians at the beginning of the school year and making this summary available later upon request.
2. Posting the complete Code of Conduct on the district's website.
3. Providing all current teachers and other staff members with access to a copy of the code as well as access to a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with access to a copy of the current Code of Conduct when they are first hired.
5. Making copies of the code available for review by students, parents/guardians, and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct and other trainings to contribute to its success as needed. 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.

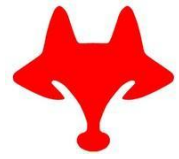
#### **B. Review of Code of Conduct**

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, parent organizations, school safety personnel and other school personnel.

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

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



Adopted: July 9, 2001  
Amended: April 21, 2010  
Amended: July 14, 2011  
Amended: June 18, 2013  
Amended: January 23, 2019  
Amended: August 18, 2021  
Amended: July 12, 2022

Prior Policies:     **1240**           Visitors to Schools  
                      **1240R**        Visitors to Schools Regulation  
                      **1520**        Public Conduct on School Property  
                      **5310**        School Conduct and Discipline  
                      **5312.1**     Drugs and Alcohol  
                      **5312.2**     Dangerous Weapon in School  
                      **5312.2R**    Dangerous Weapon in School Regulation

Cross References:   **0100**           Equal Opportunity  
                      **0110**           Sexual Harassment  
                      **0115**           Bullying and Cyberbullying  
                      **4526**           Acceptable Use Policy  
                      **5030**           Student Complaints and Grievances  
                      **5030R**          Student Complaints and Grievances Regulation