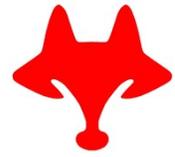


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**CODE OF CONDUCT #7310**

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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.

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.

“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.

“Violent student” means a student under the age of 21 who engages in any conduct that is violent or any conduct that endangers the safety, health or welfare of others, as indicated in 7310.25 PROHIBITED STUDENT CONDUCT Section A (1-20).

“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 is used to cause physical injury or death, and/or intended 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.



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

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

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



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## **CODE OF CONDUCT**

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

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

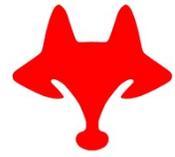
The district is committed to safeguarding the rights given to all students under state and federal law including the right to due process. No student shall be subjected to discrimination and/or harassment and/or bullying by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender 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, sex, sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. 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 or sex.

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

All district students have the responsibility to:

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



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8. Seek help in solving problems that might lead to discipline.
  9. Dress appropriately for school and school functions.
  10. Accept responsibility for their actions.
  11. 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 or sex.
  12. 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**

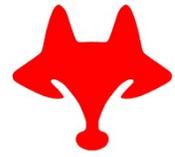
The following represents a list of essential partners and the expectations for their roles in maintaining safe and orderly schools:

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

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community.
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. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
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 or sex.
9. Convey to their children a supportive attitude toward their education and the district.
10. Build good relationships with teachers, other parents/guardians and their children's friends.
11. Help their children develop strategies to effectively manage peer pressure and know when to seek assistance and from whom.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.

#### **B. Teachers**

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, which will promote students' confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for all student achievement.
5. Adhere to and implement school policies and rules in a fair and consistent manner.
6. 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 discipline plan.

7. 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.
8. Confront issues of discrimination, harassment, and/or bullying, address personal biases that may prevent equal treatment of all students, and report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention.
9. 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.

C. Other Staff members

1. Maintain a climate of mutual respect and dignity for students and fellow staff members.
2. Be prepared to work.
3. Demonstrate an interest and concern for assisting in the education process of students.
4. Know school policies and rules and assist in promoting a safe and orderly school environment.
5. Communicate regularly with administrators, principals, teachers and fellow staff members.
6. Report incidents of discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention to the building principal.
7. 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.

D. Guidance Counselors, Psychologists, Social Workers

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage student participation in co and extracurricular activities.
6. Confront issues of discrimination, harassment, and/or bullying, address personal biases that may prevent equal treatment of all students, and report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention.
7. 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.



E. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Encourage student participation in co and extracurricular activities.
5. Maintain a climate of mutual respect and dignity, which will promote students' confidence to learn.
6. Enforce the code of conduct and ensure that all cases are resolved promptly and fairly.
7. Confront issues of discrimination, harassment, and/or bullying and address personal biases that may prevent equal treatment of all students.
8. 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

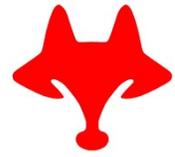
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of education and State and Federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Confront issues of discrimination, harassment, and/or bullying and address personal biases that may prevent equal treatment of all students.
7. 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.

G. Board of Education

1. 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.
2. 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.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous



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- manner.
4. 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 or sex.
  5. Insure a safe and secure environment, which facilitates the realization of each student's full academic potential.
  6. 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.



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## **CODE OF CONDUCT**

### **7310.20 STUDENT DRESS CODE**

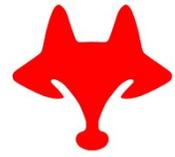
All students are expected to meet acceptable standards described herein of cleanliness and attire for school and school functions. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process. School officials may not prescribe students' dress while students attend school in cases where fashion or taste is the sole criterion.
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, religious practice, weight, creed, national origin, ethnic group, gender, sexual orientation or disability.
4. Not promote and/or endorse the use of alcohol, tobacco, 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.
5. Ensure that all undergarments are completely covered with outer clothing.

Each Building Principal or his/her designee is responsible for ensuring that students, parents, and faculty/staff are aware of and understand the dress code. The principal shall inform students, parents, and faculty/staff of any changes made to the dress code during the school year.

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



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## CODE OF CONDUCT

### 7310.25 PROHIBITED STUDENT CONDUCT

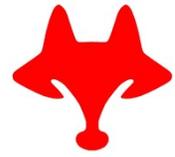
The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

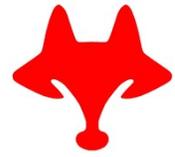
Students may be subject to disciplinary action, up to and including suspension from school for prohibited conduct which includes but is not limited to the following:

- A. Engage in conduct that is violent and any conduct that endangers the safety, moral, health or welfare of others.
  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. Assault with Physical Injury or Threat of Injury: Committing an act which causes physical injury or attempting or *threatening* to cause injury upon a teacher, administrator, school employee, student or any other person lawfully on school property.
  5. Assault with *Serious* Physical Injury: Committing an act (such as hitting, kicking, punching, and scratching) to cause injury upon a teacher, administrator, school employee, student or any other person lawfully on school property.
  6. 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.
  7. 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 involving race, ethnicity, national origin, religion, religious practices, gender, 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 his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Threats, intimidation or abuse shall include verbal and non-verbal actions.

8. **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.
9. **False Alarm:** Initiating a false report of fire or "pulling" a fire alarm handle to activate the fire alarm system
10. **Use possession or sale of Drugs:** Possessing, consuming, selling, 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, tranquilizers, and any substances commonly referred to as "designer drugs."
11. **Use, possession or sale of Alcohol:** Possessing, consuming, selling, distributing or the exchanging of alcoholic beverages.
12. **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.
13. **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.
14. **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.
15. **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.
16. **Reckless Endangerment:** Indifferent to exposing others to harm or danger.



17. Minor Altercations (Assaults) involving physical contact and no physical injury.
  18. Burglary: Forcible entry on school property; the act of illegally obtaining access to a school building, classroom, or office area and stealing.
  19. 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.
  20. 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.
  21. 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 is not considered violent, yet endangers the safety, morals, health or welfare of others.
1. 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.
  2. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
  3. 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.
  4. Selling or using or possessing obscene material.
  5. 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.
  6. Possessing 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.
  7. Gambling: i.e. participating in professional or collegiate sports betting and or tournament pools, and card playing where money is collected or exchanged.
  8. Indecent exposure, that is, exposure to sight of the private parts of the sexual organs of the human body.
- C. Engaging in conduct that is **disorderly/disruptive and/or insubordinate**:
1. Running in hallways.
  2. Making unreasonable noise.
  3. Using vulgar or abusive language, cursing or swearing.
  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 administration.
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.
8. Failing to comply with the reasonable directives of teachers, school administrators or school employees in charge of students or otherwise demonstrating disrespect.
9. Lateness for, missing or leaving school without permission.
10. Skipping detention.
11. Lying to school personnel.

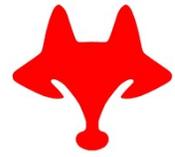
D. Engage in misconduct while on a **school bus**.

E. 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.

F. Engage in **off-campus misconduct** that endangers the health and safety of students or staff within the school or substantially disrupts the educational process. Examples of such misconduct include, but are not limited to:

1. Cyber bullying as defined in the Bullying and Cyber Bullying Policy #0115
2. Threatening, hazing, or harassing students or school personnel over the phone or the internet
3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel
4. Causing physical injury to a student



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## **CODE OF CONDUCT**

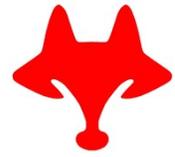
### **7310.30 REPORTING VIOLATIONS**

All students and staff are expected to report promptly violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property, at a school function or on a school bus shall 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.

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**

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

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

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.

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

#### **A. Penalties**

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, monitors, coaches, guidance counselors, teachers, deans, House Directors, Assistant Principals, Principal, Superintendent
3. Written notification to parent – hall and lunch monitors, coaches, guidance counselors, teachers, deans, House Directors, Assistant Principal, Principal, Superintendent
4. Detention – teachers, deans, House Directors, Assistant Principal, Principal, Superintendent
5. Suspension from transportation – Director of Transportation, House Directors, Assistant Principal, Principal, Superintendent



6. Suspension from athletic participation – coaches, Principal, Athletic Director, Superintendent
7. Suspension from social or extracurricular activities – activity director, House Directors, Assistant Principal, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Removal from classroom by teacher – teachers, House Directors, 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 penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

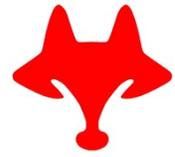
### 1. Detention

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

### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the 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 seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension



from attendance; the district will make appropriate arrangements to provide for the student's education.

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

3. Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, 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 meeting with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

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

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 *meeting* with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over 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 his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.



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

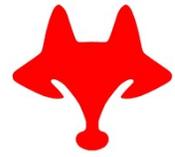
A classroom teacher may effect a disciplinary removal of a disruptive student from class for up to three instructional periods. An elementary classroom teacher may formally remove a student from class for up to three class periods. This period of time is equivalent to that class time which a secondary 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 he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. The teacher must complete the appropriate conduct form to document the reason for the removal and meet with the principal or his 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 parents/guardians that the student has been removed from class and why. The parent must be apprised of the right to meet informally with the principal or his or her designee to discuss the reasons for the removal. This notification may be transmitted by phone or in writing.

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



may be extended by mutual agreement of the parent and the principal.

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

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

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

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

Disciplinary removal of a student with a disability, under certain circumstances, may constitute a change of the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

## 6. Suspension from School

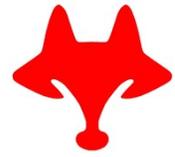
Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. All staff members must immediately report and refer a violent student to the Principal and /or the Superintendent.

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

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

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

When the Superintendent or Principal (referred to as the "suspending authority") proposes



to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/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/guardians.

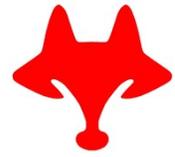
The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/guardians of the right to request an informal conference with the Principal at which the student and/or the student's parents/guardians may present the student's version of the event and ask questions of the complaining witnesses. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians.

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

After the conference, if the Principal is going to modify or rescind the suspension from school, the Principal shall promptly advise the parents/guardians in writing of the modification or rescission. If the student or his/her parents/guardians that if they are not satisfied with the suspension from school, they must file a written appeal to the Superintendent within five business days of the later of the Principal's written notice to the parents/guardians of the suspension from school, the informal conference if held or the written notification of a modification or rescission of the suspension from school, unless they can show extraordinary circumstances precluding them from filing the appeal within five days. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 30 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, he or she shall give reasonable notice to the student and the student's



parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the Superintendent's decision, unless the parents/guardians 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

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

1. The student's age.
2. 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/guardians, teachers and/or others.
6. Other extenuating circumstances.



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

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

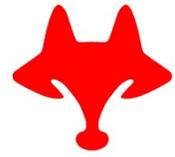
Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, 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 five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

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 shall 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 he or she requires supervision and treatment by:

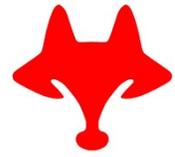
- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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



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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.

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

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

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

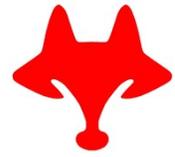
#### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.

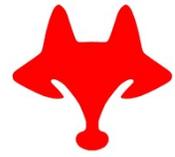
A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by the Superintendent of Schools for behavior involving weapons, illegal drugs or controlled substances; or an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" (interim alternative educational setting) means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.



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2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
- a) The Board, the district (BOCES) Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c) The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a disciplinary change in placement.
  - d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), 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.
    - (1) "Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
    - (2) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length."
    - (2) "Controlled substance" means a drug or other substance identified



in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

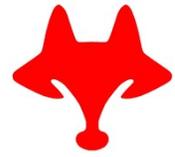
- a) for more than 10 consecutive school days; or
- b) for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is 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 is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove 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.

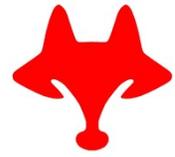
However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES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

#### C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

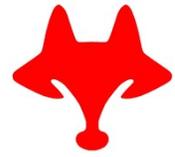
1. The district's Committee on Special Education shall:



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- a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving serious bodily injury, weapons, illegal drugs or controlled substances.
  - b) If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - c) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a) The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b) A student will not be considered a student presumed to have a disability for



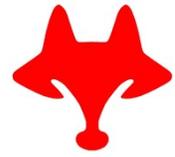
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- discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
- (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - (2) determined that an evaluation was not necessary and provided notice to the parents/guardians of such determination, in the manner required by applicable law and regulations.
- c) 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.
  - d) However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
3. The district shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving serious bodily injury, weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
  4. The parents/guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.
  5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
  6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has



- determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a) The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the district agree otherwise.
    - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents/guardians within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

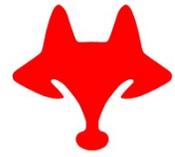


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E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.



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## **CODE OF CONDUCT**

### **7310.50 CORPORAL PUNISHMENT**

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

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

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

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

### **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



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information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

A. Student Lockers, Desks and other School Storage Places

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

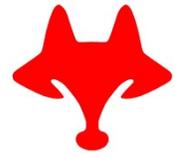
B. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat 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. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parent or guardian notification.

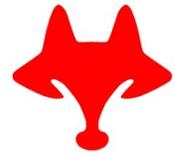
The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s). In the event the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

D. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent or guardian to give the parent or guardian 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.



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

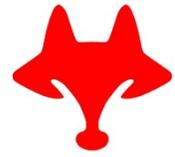
1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

E. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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



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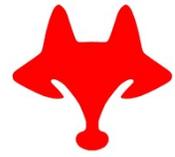
## **CODE OF CONDUCT**

### **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 his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the 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 are required to arrange such visits in advance with the classroom teacher(s), 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 his or her 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 his or her designee, shall 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 his or her 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 an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function.

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

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

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, shall:

1. Intentionally injure any person, attempt to do so or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson 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
6. Intimidate, harass, bully or discriminate against any student on the basis of his/her actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled



- substances or illegal drugs, or be under the influence of either on school property or at a school function.
11. Possess or 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.
  12. Loiter on or about school property.
  13. Gamble on school property or at school functions.
  14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
  15. Willfully incite others to commit any of the acts prohibited by this code.
  16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

**B. Penalties**

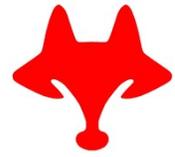
Persons who violate this code shall be subject to the following penalties:

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

**C. Enforcement**

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

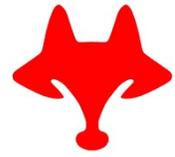
When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the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



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

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



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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. 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.
3. Providing all new employees with access to a copy of the current code of conduct when they are first hired.
4. Making copies of the code available for review by students, parents/guardians and other community members.

The Board will insure an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents/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

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