



**Shoreham-Wading River**  
CENTRAL SCHOOL DISTRICT

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**CODE  
OF  
CONDUCT**

**ADOPTED**

**July 6, 2010**

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Shoreham, New York 11786

631-821-8100

Website: [www.swrschools.org](http://www.swrschools.org)

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## **I. INTRODUCTION**

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

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

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

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

## **II. 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 to the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption to the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

**“Controlled substance”** means a drug or other substance identified in certain provisions of the Federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy.

**“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.

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

**“Smoking”** means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance, intended for inhalation.

**“Tobacco”** includes chewing tobacco, snuff, and/or any other similar substance.

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

**“School function”** means any school-sponsored extra-curricular event or activity, including field trips.

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

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

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

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

The Board of Education’s goal is to provide an environment in which a student’s rights and freedoms are respected. The Board therefore assures district students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The Board also recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

#### **It shall be the right of each district student:**

1. To have a safe, healthy and orderly school environment;
2. To take part in all district activities on an equal basis regardless of race, gender, religion, national origin, or disability;
3. To attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. To have school rules and conditions available for review and, whenever necessary, explanation by school personnel;

5. To be suspended from instruction only after his/her rights pursuant to Education Law §3214 have been observed; and
6. In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.

**It shall be the responsibility of each district student:**

1. To be familiar with and abide by all district policies, rules and regulations pertaining to student conduct;
2. To work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. To conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the district and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
4. To seek help in solving problems that might lead to discipline procedures;
5. To be in regular attendance at school and in class;
6. To contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property;
7. To dress in accordance with standards promulgated by the Board of Education and the Superintendent;
8. To make constructive contributions to the school, and to report fairly the circumstances of school-related issues;
9. To report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to the school hotline, a faculty member, or the building administrator; and
10. To bring to the attention of the appropriate faculty member or building administrator any other action that might be harmful to students, i.e., drug use in buildings, students carrying inappropriate objects (weapons), or anything that might cause harm to another student.

**IV. ESSENTIAL PARTNERS**

**Essential partners** are parents, guardians, teachers, student support services personnel and other school staff, Principals, Superintendent and other administrators, and members of the Board of Education who, in their roles, help to maintain safe and orderly schools and support the implementation of the Code of Conduct.

**A. Parents/guardians shall:**

1. Recognize that the education of their children is a joint responsibility of the parent/guardian and the school community;
2. Send their children to school ready to participate and learn;
3. Ensure their children attend school regularly and on time;
4. Ensure absences are excused;
5. Insist their children be dressed and groomed in a manner consistent with the student dress code;
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
7. Know school rules and help their children understand them;
8. Convey to their children a supportive attitude toward education and the district;
9. Build good relationships with teachers and other school personnel;
10. Help their children deal effectively with peer pressure;
11. Inform school officials of changes in the home situation that may affect student conduct or performance;
12. Provide a place for study and ensure homework assignments are completed.

**B. Teachers shall:**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn;
2. Assess student achievement and adjust instructional strategies to meet student needs;
3. Demonstrate proficiency in teaching and concern for student achievement;
4. Be familiar with school policies and rules and enforce them in a fair and consistent manner;
5. Communicate to students and parents/guardians:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students

- e. Classroom discipline plan;
- 6. Communicate regularly with students, parents/guardians and other teachers concerning growth and achievement.

**C. Student Support Staff (i.e., guidance counselors, social workers, school psychologists, etc.) shall:**

- 1. Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- 2. Initiate relevant parent/guardian/teacher/student conferences, as necessary;
- 3. Review educational progress with students and their parent/guardian;
- 4. Provide information to assist students with career planning;
- 5. Encourage students to participate in extra-curricular programs;
- 6. Be familiar with school policies and rules, and enforce them in a fair and consistent manner.

**D. Other School Staff shall:**

- 1. Help maintain a climate of mutual respect and dignity;
- 2. Be familiar with school policies and rules, and enforce them in a fair and consistent manner.

**E. Coaches and Advisors shall:**

- 1. Maintain a climate of mutual respect and dignity among all participants in the activities under their supervision;
- 2. Be familiar with school policies and rules, and enforce them in a fair and consistent manner.

**F. Principals and Other Building Administrators shall:**

- 1. Promote a safe, orderly and stimulating school environment;
- 2. Support active teaching and learning;
- 3. Ensure that students and staff have the opportunity to communicate regularly with the Principal;
- 4. Evaluate all instructional programs on a regular basis;

5. Support the development of, and student participation in, extra-curricular activities;
6. Be responsible for enforcing the Code of Conduct.

**G. Superintendent and Other District-Wide Administrators shall:**

1. Promote a safe, orderly and stimulating school environment;
2. Support active teaching and learning;
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
4. Inform the Board about educational trends relating to student discipline;
5. Work to create instructional programs that address student needs;
6. Work with building level administrators to enforce the Code of Conduct.

**H. Board of Education shall:**

1. Collaborate with students, teachers, administrators, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions;
2. Annually review and adopt the district's code of conduct to evaluate its effectiveness, fairness, and consistency;
3. Lead by example by conducting Board of Education meetings in a professional, respectful and courteous manner.

**V. STUDENT DRESS CODE**

The responsibility for student dress and general appearance rests with individual students and parents/guardians. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. The Board also requires students to wear appropriate protective gear in certain classes (i.e., Home & Careers, technology education, science lab, physical education).

The Superintendent of Schools and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines.

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



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

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Recognize that extremely brief garments, such as, but not limited to, tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate insofar as these garments distract, disrupt or interfere with the educational process;
3. Ensure that underwear is completely covered with outer clothing;
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed;
5. Not include the wearing of hats in the classroom or in school during school hours except for a medical or religious purpose, unless permitted by individual building policy;
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability;
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities;
8. Not include gang related clothing or paraphernalia.

Each building Principal or his/her designee shall be responsible for informing all students and their parent/guardian of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. If a teacher believes that a student's dress is inappropriate, he/she will contact a building administrator to seek a determination as to appropriateness of the clothing.

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.

This section does not imply that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

## **VI. EXPECTED 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, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, or endangers the safety, morals, health, or welfare of others, as described below:

**A. Engage in conduct that is disorderly** - examples of disorderly conduct include but are not limited to:

1. Running in hallways;
2. Making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar or abusive;
4. Obstructing vehicular or pedestrian traffic;
5. Engaging in any willful act that disrupts the normal operation of the school community;
6. Trespassing - students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
7. Students are not permitted to skateboard on school premises;
8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; using the internet or email to disrupt school operations or threaten school violence; or any other violation of the district's acceptable use policy;
9. Use of I-pods, MP3 players, cell phones, or other digital device in violation of school policies;
10. Use of any object in a way for which it was not intended.

**B. Engage in conduct that is insubordinate or disruptive** - examples of insubordinate or disruptive conduct include but are not limited to:

1. Failing to comply with the directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
2. Lateness or missing or leaving school without permission;

3. Skipping detention.

**C. Engage in conduct that is violent** - examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee, attempting to do so, or threatening to do so;
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property, attempting to do so, or threatening to do so;
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
4. Displaying what appears to be a weapon;
5. Threatening to use any weapon;
6. Intentionally damaging or destroying the personal property, including graffiti or arson, of a student, teacher, administrator, other district employee or any person lawfully on school property;
7. Intentionally damaging or destroying school district property.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of others** - examples of such conduct include but are not limited to:

1. Lying to school personnel;
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner;
5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be ridiculing or demeaning, or which a reasonable person would perceive as ridiculing or demeaning;

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliation with or maintaining membership in any school sponsored activity, organization, club or team;
8. Selling, using or possessing obscene material;
9. Using vulgar or abusive language, cursing or swearing;
10. Possessing or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco;
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of alcoholic beverages or illegal substances. "Illegal substances" include, but are not limited to, inhalants such as marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs";
12. Inappropriately using, sharing or selling prescription and/or over-the-counter drugs;
13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
14. Initiating a report warning of fire or other catastrophe without valid cause (including activating a fire alarm), misuse of 911, or discharging a fire extinguisher;
15. Inciting/instigating discord, including inciting others to commit any of the acts prohibited by this Code;
16. Entering any portion of the school premises without authorization or remaining in any building or facility after it is normally closed
17. Violating the District's Acceptable Use Policy;

**E. Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior (as defined in this section). Excessive noise, pushing, shoving and fighting and/or any other inappropriate behaviors will not be tolerated. For details concerning conduct on school buses, see below, "Suspension from Transportation."

**F. Engage in any form of academic misconduct** - examples of academic misconduct include:

1. Plagiarism;
2. Cheating;
3. Copying;
4. Altering records;
5. Buying or selling school work;
6. Assisting another student in any of the above actions.

## **VII. REPORTING VIOLATIONS**

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

A teacher shall immediately report and refer a violent pupil to the Principal or Superintendent for a violation of the Code of Conduct and a minimum suspension period pursuant to the provisions herein.

All district employees who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District employees who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The Principal or his/her designee shall notify the appropriate local law enforcement agency of those code violations that constitute a crime pursuant to New York Penal Law 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 will be made by telephone or in person, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code and constituted a crime.

## **VIII. 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 student's 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 that led to the offense;
3. The student's prior disciplinary record;

4. The effectiveness of other forms of discipline;
5. Information from parent/guardian, 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 there is an out-of-school suspension in excess of five days for a student with 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 requirement of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior if the Committee on Special Education determines there is a nexus between the behavior and 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 - coaches, teachers, Assistant Principal, Principal, Superintendent;
3. Written notification to parents/guardians - teachers, Assistant Principal, Principal, Superintendent;
4. Detention - teachers, Assistant Principal, Principal, Superintendent;
5. Suspension from transportation - Assistant Principal, Principal, Superintendent;
6. Suspension from athletic participation - coaches, Assistant Principal, Principal, Superintendent;
7. Suspension from social or extracurricular activities - teacher, club advisor, coach, Assistant Principal, Principal, Superintendent;
8. Suspension of other privileges - Assistant Principal, Principal, Superintendent;
9. In-school suspension – Assistant Principal, Principal, Superintendent;
10. Removal from classroom - teachers, Principal;
11. Short-term (five days or less) suspension from school - Principal, Superintendent, Board of Education;
12. Long-term (more than five days) suspension from school - Superintendent, Board of Education.

#### **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.

### **Detention**

The Board of Education believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by the building Principal or his/her designee, depending, based on the factors described above (e.g., severity of the offense, prior disciplinary records, etc.), on whether the detention is to be considered an administration-assigned detention or a teacher-assigned detention. A list of those on detention can be found on the daily attendance sheet. In order for a student to be placed on detention, the building Principal and the parent/guardian must be notified to discuss the conduct and the penalty involved.

### **Suspension from Transportation**

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to ensure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

All students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parents/guardians of the responsibility for supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Only after a child boards the bus does he/she become the responsibility of the district. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, children are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a child does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the Principal by the bus driver.

Children who become a serious disciplinary problem may have their riding privileges suspended by the Superintendent or designee. In such cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

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/guardian will be

provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

From time to time, general behavior problems occur on buses requiring action on the part of the bus driver and the administration. Specifically, reference is made to such offenses as student:

1. Fighting;
2. Placing arms and head out of window;
3. Throwing objects such as books and papers;
4. Smoking/lighting of matches;
5. Setting off firecrackers;
6. Using abusive language;
7. Exhibiting gross behavior that interferes with the safe driving of the vehicle;
8. Unauthorized use of exits;
9. Vandalism;
10. Insubordination.

In any of the above situations, the following standing orders will be in effect:

1. The driver should pull over to the side of the road, stop the bus, and determine which student or students are involved in the problem;
2. The driver will advise the student or students of the misconduct and apprise those who will be reported to the Principal at the conclusion of the run;
3. The driver will continue with the run; however, if the behavior problem continues and the driver determines that he/she cannot safely operate the vehicle any longer, he/she will return to the school by the nearest direct route with all students aboard. At no time should anyone be allowed to leave the bus;
4. Upon arrival at the school, the bus driver will have a building administrator summoned to the bus, making certain not to leave the bus until a Principal or Assistant Principal arrives. It should be noted that the driver makes no comment or threat involving suspension or disciplinary action;
5. The building administrator will escort all the misbehaving students to the office; then the driver will provide, as expeditiously as possible, full documentation of what has occurred. A Report Form should subsequently be completed and submitted to the transportation company and building Principal or designee;
6. The Principal should contact the transportation office to arrange for transportation from the school to home or other destination for the apprehended student;
7. The driver, with remaining students aboard, will continue on the appointed run;
8. If necessary, drivers will notify the transportation office of stops where students have not been picked up due to the necessity of returning to the school.

It should be noted that returning a bus to school prior to the completion of all stops is a serious matter and is prompted only when the driver cannot fulfill his or her responsibilities due to disruption to the bus.



## **Transportation – Administrative Penalties**

Specific and consistent penalties for violation of bus rules and regulations as cited above are to be implemented by building administration. In general, when the bus has had to return to the school due to disruptive behavior for any of the aforementioned violations, the following penalties will be in effect:

1. First Offense - Suspension from all riding privileges for a limited period of time (e.g., one (1) week);
2. Second Offense - Suspension from all riding privileges for an extended period of time (e.g., one (1) month);
3. Third Offense - Indefinite suspension of all riding privileges subject to review by the Superintendent's Office.

Where behavior problems as identified previously occur, but it is not necessary for the bus to return to the school, the following penalties will be in effect:

1. First Offense - Letter to parent/guardian;
2. Second Offense - Suspension from all riding privileges for a limited period of time (e.g., one (1) week);
3. Third Offense - Suspension from all riding privileges for an extended period of time (e.g., one (1) month);
4. Fourth Offense - Indefinite suspension of all riding privileges subject to review by Superintendent's Office.

In case of student vandalism during transportation:

1. First Offense - Suspension from all riding privileges for a limited period of time (e.g., one (1) week), with subsequent payment of damages;
2. Second Offense - Suspension from all riding privileges for an extended period of time (e.g., one (1) month), with subsequent payment of damages;
3. Third Offense - Indefinite suspension of all riding privileges subject to review by the Superintendent's Office, with subsequent payment of damages.

The building administrator will notify the parent/guardian in writing of all disciplinary action.

With regard to special education students who receive special transportation and are students who are serviced within self-contained classes, the law requires that special education students cannot be suspended based upon the exhibition of behaviors related to his/her disability. Therefore, a special education student cannot be suspended from bus transportation because his or her disability manifests in behavioral problems. Consequently, where a special education student's disability endangers the welfare of other students and/or himself/herself, the district must provide alternate means of transportation. The building Principal will consult with the

Director of Special Education to determine if the behaviors warrant disciplinary action or are related to the child's disability.

#### Musical Instruments on School Buses:

Students may be permitted to take instruments on school buses as long as the instruments are not put in the aisle or block the front entrance or emergency exit.

#### **Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges**

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

#### **In-school Suspension**

The Board of Education recognizes that the school must balance the need for students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the Superintendent, Principals, and Assistant Principals to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." In-school suspension will be supervised by instructional personnel, including a certified teaching assistant, teacher, and/or administrator.

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/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

Students may be assigned to in-school suspension for a specified period of time. Students may not attend classes during this time unless a special request is made by a teacher and that request is approved by an administrator.

Procedures related to in-school suspension are as follows:

1. At the discretion of the Principal or his/her designee, a student who would otherwise be subject to a suspension from attendance as the result of a disciplinary infraction may be placed on in-school suspension for a period not to exceed five (5) school days;
2. Prior to the imposition of an in-school suspension, the Principal or his/her designee shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension;
3. Upon imposition of an in-school suspension, the student's parent/guardian shall be notified in writing of the dates of the suspension and the reasons thereof. The parent/guardian shall be given an opportunity for a conference with the principal or his/her designee;
4. The student's teachers will be notified in writing that assignments for the period of

suspension should be sent to the suspension room;

5. The suspended student shall report to the suspension room at the beginning of the next school day following the imposition of a suspension;
6. The student will remain in the suspension room during the full school day. He/she must be prepared to work the entire day;
7. The suspension room will retain an atmosphere of quiet, conducive to study with strict rules of behavior;
8. The suspension supervisor will enforce the rules of behavior in the suspension room and will render tutorial assistance where possible. If necessary, the subject teacher will be contacted for assistance;
9. Completed assignments will be turned in to the suspension supervisor;
10. Failure to conform to these regulations will result in mandated detention, extended in-school suspension or out-of-school suspension.

### **Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include 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. Teachers will ensure all students are properly supervised during the exercise of these classroom management techniques. Such practices may include, but are not limited to: (1) short-term alternative activity in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code of Conduct.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going 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 on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she

was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

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

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal, must notify the student's parent/guardian, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

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

The Principal may require the teacher who ordered the removal to attend the informal conference if it falls within the regular work day as defined by contract.

If, at the informal meeting, the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parent/guardian 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/guardian and Principal.

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. For additional information, refer to the in-school suspension section of this code.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation. Classroom management techniques may be used to give the teacher time to review the student's Individual Education Plan (IEP).

### **Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

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

Upon receiving a recommendation or referral for suspension, or when processing a case for suspension, the Superintendent or Principal shall gather the relevant facts 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. The suspending authority must provide the student with an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent/guardian in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent/guardian. 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 parent/guardian.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent/guardian of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent/guardian. At the conference, the parent/guardian

shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

After the conference, the Principal shall promptly advise the parent/guardian in writing of his or her decision. The Principal shall advise the parent/guardian that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parent/guardian is not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so but in no case later than 30 days after the Superintendent's decision. Only final decisions of the Board of Education 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 parent/guardian of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board of Education, which will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the District Clerk within 30 business days of the date of the Superintendent's decision, unless the parent/guardian can show that extraordinary circumstances precluded them from doing so but in no case later than 40 days after the Superintendent's decision. The Board of Education may adopt in whole or in part the decision of the Superintendent.

Final decisions of the Board of Education may be appealed to the Commissioner of Education within 30 days of the decision.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in subdivision one of section 265.01 of the Penal Law, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

A permanent suspension is considered a long-term 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:
  - a. The student's age;
  - b. The student's grade in school;
  - c. The student's prior disciplinary record;
  - d. The Superintendent's belief that other forms of discipline may be more effective;
  - e. Input from parents/guardians, teachers and/or others;
  - f. Other extenuating circumstances.

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

2. **Students who commit violent acts other than bringing a weapon to school**  
Any student, 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 two days. If the proposed penalty is a suspension of 5 days or less, the student and the student's parent/guardian 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 a minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent or Principal has the authority to modify the minimum two-day

suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent or Principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. **Students who are repeatedly substantially disruptive to 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 two 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. If the proposed penalty is a suspension of 5 days or less, the student and the student's parent/guardian 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 a five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent or Principal has the authority to modify the minimum two-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.

Where a pupil has been suspended for cause, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the pupil to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

#### **D. Tobacco, Alcohol, Illegal Substances**

Any use or possession of tobacco, or the use, possession or sale of alcohol and other illegal substances is prohibited and will be prosecuted to the fullest extent, through vigorous enforcement of school policy and referral to appropriate law enforcement authorities. At the same time, the district recognizes that tobacco, alcohol and other substance abuse is treatable. The schools will make every effort to supply assessment, counseling and/or referral information to any student who is in danger of, or is currently abusing tobacco, alcohol and/or other substances.

Disciplinary measures will be taken in accordance with school policy and the law when a student at school, on school grounds, or off school grounds involved in a school-related activity, is found using tobacco, or is suspected of use, is caught using, possessing, distributing or selling alcohol and/or other substances. The inappropriate use of legal prescription drugs and over-the-counter drugs deemed to endanger the health and welfare of a student or fellow students will also apply under this section.



**1. The following sanctions will apply for student tobacco use:**

**a. First Offense:**

Parent/guardian notification and a one day in-school suspension will be rendered. Students will not be permitted to participate in co-curricular and/or athletic practices/games on that day. The student will be referred to a substance abuse counselor for assessment and intervention.

**b. Second Offense:**

Parent/guardian notification and a one day out-of-school suspension will be rendered, which also applies to all athletic and co-curricular activities. The Suffolk County Department of Health will be notified, which could result in a monetary fine and the student will be required to meet with the substance abuse counselor on a regular basis.

**c. Third & Future Offenses:**

Parent/guardian notification and an out-of-school suspension for up to five days will be rendered. The Suffolk County Department of Health will be notified, which could result in a monetary fine and the student will be required to continue to meet with the Substance Abuse Counselor on a regular basis. This suspension will include absence from all athletic and co-curricular activities. If a suspension is interspersed by a weekend, the sanctions will stay in effect throughout the weekend, until the suspension has ended.

**2. The following sanctions will apply for student use of alcohol and other substances:**

Any student under suspicion of possession of or use of drugs or alcohol, as determined by school personnel, will be sent to the Principal or Assistant Principal to be evaluated. This process will include an evaluation of symptoms by the school nurse, when available, as well as a search of the student's book bag, locker, pocketbook, and person by the Principal or Assistant Principal. In the case of suspected alcohol use, a breathalyzer test, will be administered in accordance with district Policy and Administrative Procedures.

Confirmation of the possession or use of drugs or alcohol will result in the following sanctions:

**a. First Offense:**

Five day out-of-school suspension, with a possible Superintendent's Hearing, will be rendered. This suspension will include absence from all athletic and co-curricular activities for the duration of the suspension. If a suspension is interspersed by a weekend, the sanctions will stay in effect throughout the weekend, until the suspension has ended. Distribution or sale of illegal substances will necessitate a mandatory out-of-school five day suspension and a Superintendent's hearing. In addition, the student will be referred to the substance abuse counselor. Any incident involving illegal substances will be reported to the police.

**b. Second Offense:**

A second offense involving use or possession will dictate a mandatory five day out-of-school suspension, suspension from all athletic and co-curricular activities for the duration of the suspension and a mandatory Superintendent's hearing. If a suspension is interspersed by a weekend, the sanctions will stay in effect throughout the weekend, until the suspension has ended. Distribution or sale of illegal substances will necessitate a mandatory out-of-school five day suspension and a Superintendent's hearing. Any incident involving illegal substances will be reported to the police. In addition, the student will be referred to the substance abuse counselor.

c. Third and Future Offenses:

A third offence involving use or possession will dictate all of the above sanctions with the mandatory Superintendent's Hearing resulting in an extended suspension period of time.

## **E. Referrals**

### **1. Counseling**

Student support service personnel, under the direction of the administration, shall handle all referrals of students to counseling.

### **2. PINS Petitions**

The district may file a PINS (Person In Need Of Supervision) Petition in the Family Court's PINS Diversion Section on any student who demonstrates that he or she requires supervision and treatment regarding the following allegations:

For students 18 years of age or younger

- a. 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;
- b. Knowingly and unlawfully possesses a controlled substance in violation of New York State Penal Law. A single violation will be a sufficient basis for filing a PINS petition.

For students 16 years of age or younger

- a. Being habitually truant and not attending school as required by part one of Article 65 of Education Law.

### **3. Juvenile Delinquents and Juvenile Offenders**

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

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

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

## **IX. 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 continued educational programming and/or alternative means of instruction for the student.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Education also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education 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**

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

1. A "**suspension**" means a suspension pursuant to Education Law § 3214.
2. A "**removal**" means: (1) a removal for disciplinary reasons from the student's current educational placement other than a suspension; (2) a change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others; and, (3) a change of placement to an IAES for behavior involving weapons, illegal drugs or controlled substances made by a Superintendent in conjunction with a Superintendent's hearing.
3. An "**IAES**" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, and, 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.

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

1. The Board of Education, the 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;
2. 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 (1) 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;
  3. 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 change of placement;
  4. 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 carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - a. **"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 ... [for] a pocket knife with a blade of less than 2 1/2 inches in length."
    - b. **"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.
    - c. **"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.

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**

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

1. For more than 10 consecutive school days; or
2. 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 and, because of such 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.

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.

After 10 consecutive school days of suspension or removal or a pattern as described in section (2) above, a nexus hearing should take place. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals, if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances. The building Principal or designee is responsible for logging and notifying appropriate Special Education administrators and/or CSE chairpersons of student suspensions and/or removals.

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and
  - b. 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 weapons, illegal drugs or controlled substances.

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.

The district will 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 parent/guardian 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.

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. A student will not be considered a student presumed to have a disability for 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:

- a. Conducted an individual evaluation and determined that the student is not a student with a disability, or
- b. Determined that an evaluation was not necessary and provided notice to the parent/guardian of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if 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 the parent/guardian 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 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 parent/guardian 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 parent/guardian 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. Parameters that apply to suspension of students with IEPs include:

- a. Principals may suspend special education students for a total of 10 days without referring said student to CSE;
  - b. When the total number of suspensions for a special education student exceeds 10 days in a year, the principal is responsible for notifying the CSE and requesting a meeting to review the child's IEP and Behavior Intervention Plan.
  - c. Principals may suspend a special education student from bus privileges unless the service is mandated by the student's IEP.
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**

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

1. 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;
2. The parent/guardian 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 from a determination of whether the suspension or removal constitutes a disciplinary change of placement, or from a CSE recommendation to change the placement of the student after the IAES term expires, including but not limited to any decision to place the student in an IAES.

While awaiting an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving 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 parent/guardian and the district agree otherwise.

If school personnel propose to change the student's placement after expiration of an IAES placement, while awaiting 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.

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 parent/guardian 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.

#### **E. Referral to law enforcement and judicial authorities**

In accordance with the provisions of Individuals with Disabilities Education Act (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 district shall, in cases involving the reporting of a crime by a student who has been classified as a student with a disability, transmit a copy of the student's special education and disciplinary records for consideration by the appropriate law enforcement authorities to whom it has reported the crime after consent of the student's parent/guardian has been obtained or as otherwise provided under the federal Family Educational Rights and Privacy Act.

#### **XI. CORPORAL PUNISHMENT / USE OF PHYSICAL FORCE**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this school district.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

1. Self-protection;
2. Protection of others;
3. Protection of property; or
4. Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent or designee describing in detail the circumstances and nature of the action taken.

#### **Investigation of Complaints**

Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent. This written complaint will be forwarded to the School Attorney within 7 (seven) days. The Superintendent shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, the reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the School Attorney upon completion of the investigation.

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



## **XII. STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes the Superintendent, building Principals, and Assistant Principals 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. When warranted, the school nurse, social worker, guidance counselor, and/or security personnel will be asked to be present while searches are conducted.

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

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that 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. **Confiscation of Illegal Items** - The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The

Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

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

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

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

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

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

D. **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 the Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall be present during the interview. 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/guardian's consent.

### **XIII. VISITORS TO THE SCHOOLS / SCHOOL GROUNDS**

The Board of Education 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, 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. During the school day, all visitors to the school or school grounds must report to the office of the Principal (or other designated location) upon arrival at the school. 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 and sign out of the visitor's register 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. Teachers are expected not to take class time to discuss individual matters with visitors;
5. 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;
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **XIV. EXPECTED PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so;
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this Code applies;
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange tobacco, alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function;
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
11. Loiter on or about school property;
12. Gamble on school property or at school functions;
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this code;
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

#### **B. Penalties**

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

1. Visitor authorization, if any, to remain on school grounds or at the school function shall be withdrawn and the visitor shall be directed to leave the premises. If the visitor refuses to leave, he or she shall be subject to ejection;
2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements;
3. Faculty members 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 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 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 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.

## **XV. DISSEMINATION AND REVIEW**

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

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

1. Providing copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year;
2. Mailing a summary of the Code of Conduct written in plain language to all parent/guardian of district students before the beginning of the school year and making this summary available later upon request;
3. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after

adoption;

4. Providing all new employees with a copy of the current Code of Conduct when they are first hired;
5. Making copies of the Code of Conduct available for review by students, parents, guardians and other community members.

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

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

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

The Board of Education 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 of Education 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.