

SOUTH HUNTINGTON UNION FREE SCHOOL DISTRICT
Huntington Station, NY 11746

CODE OF CONDUCT

The South Huntington Code of Conduct seeks to empower all children to maximize their potential by providing them with a safe and secure environment where everyone is treated with respect thus enabling them to develop the positive social and moral skills necessary to become contributing members of society.

Philosophy

- The schools' staff and community believe that discipline is a learned behavior and, therefore, can and must be taught in the home, school and community. Children also learn through experience and imitation. Students must be taught to assume responsibility for their behavior. Discipline is a developmental process. As children mature, they should be given increased responsibility in keeping with their developmental level and social maturity. Students should be given every opportunity to practice self-discipline in order to reinforce responsible action in a positive manner.

- All attempts will be made to safeguard the dignity of students. No one is permitted to jeopardize the safety and welfare of another. The ultimate goal should be the personal internalization of discipline, so that little external enforcement is required. The Board of Education believes that this philosophy will foster the development of self-disciplined, self-reliant personalities capable of behaving appropriately as the situation demands. It is felt that this philosophy will produce individuals with a social conscience who see the good sense in acceptable behavior and who are spared the consequences of misbehavior. Discipline is most effective when its consequences are applied in a direct and timely manner following an infraction.

Student Rights and Responsibilities

All students have the following rights and corresponding responsibilities:

RIGHTS	RESPONSIBILITIES
1. All students have the right to an appropriate education and to an orderly and safe environment for all aspects of the district's programs. These include but are not limited to, school activities, classrooms, buses and after-school activities.	1. All students have the responsibility to promote an environment conducive to learning. They are to behave in a manner that will not infringe on the rights of others. All students have the responsibility to achieve their maximum potential within the educational program established for them and participate in discussions pertaining to their programs.

2. All students have the right to be respected and the right to have their property respected.	2. All students have the responsibility to respect others, to respect the property of others, and to respect school property.
3. All students have the right to participate in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability.	3. a) All students should attend school every day unless they are legally excused. b) All students should work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
4. All students are entitled to fair treatment and due process under the regulations of the school district and local, state and federal laws.	4. All students have the responsibility to be familiar with and abide by the rules and regulations of the school district and local, state and federal laws. Students have a responsibility to follow directions given by administrators, teachers and other school personnel.
5. All students can access school rules and, when necessary, receive an explanation of those rules from school personnel. Student orientation of the Code of Conduct will be given each year and to all new students.	5. a) All students have the responsibility to ask questions when they do not understand. b) All students have the responsibility to seek help in solving problems that might lead to discipline.
6. All students have a right to be identified as South Huntington students.	6. a) All students should accept responsibility for their actions. b) All students have the responsibility to conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

Rights and Responsibilities of Parents, Guardians or Persons in Parental Relation to a Student

RIGHTS	RESPONSIBILITIES
1. Parents, guardians or persons in parental relation to a student have the right to have their child educated.	1. Parents, guardians or persons in parental relation to a student are responsible for the behavior of their children. They are expected to exercise the required controls so that their children's behavior will be conducive to the development of self-discipline and will not be disruptive to the functioning of the school. Parents, guardians, and persons in parental relation to students are expected to help their children understand that in a democratic society, appropriate rules are required to

	maintain a safe, orderly environment. They are to help their children understand and know school rules.
2. The school must notify the parent, guardian or person in parental relation to a student when a child is not attending.	2. Parents, guardians and persons in parental relation to students are responsible to send their children to school ready to participate and learn.
3. The school must notify the parent/guardian/person in parental relationships of any problem.	3. Parents, guardians, persons in parental relationships to students are responsible to ensure their children attend school regularly and on time. Absences must be explained and written documentation of excused absence must be provided upon student's return to school.
4. Parents, guardians and persons in parental relations with students have a right to work as a team with the school to assure the appropriate education of their child. They have a right to receive responses to questions concerning their child's education.	4. The family and the community share with the school the responsibility to teach children to respect all others. Cooperation between parents and school is essential in assisting students to work to the best of their ability. Parents, guardians and persons in parental relations with students should help maintain communication with the school and participate in school activities such as meetings and scheduled individual conferences.

SCHOOL RESPONSIBILITIES

Board of Education

To provide an appropriate school experience for all children, the Board of Education has a responsibility to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Review every year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

SUPERINTENDENT

To achieve an appropriate school experience for all children, the Superintendent has a responsibility to:

1. Provide a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct to be sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Conduct or designate an appropriate person to conduct the Superintendent's Hearing, which is a legal requirement of the Superintendent*.
*(NY State Education Law §3214)

PRINCIPAL

To achieve an appropriate school experience for all children, the principal has a responsibility to:

1. Provide a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs to determine their effect on the discipline of the school.
4. Support the development of and student participation in appropriate extracurricular activities to promote appropriate behavior.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. To be responsible for the implementation of all accessory procedures, as well as rules and regulations to make effective the Board of Education policies that relate to the standards of student behavior.

ASSISTANT PRINCIPALS, DEPARTMENT CHAIRS, ADMINISTRATIVE DEANS, TEACHERS, STUDENT SERVICES PERSONNEL AND ALL OTHER EMPLOYEES

To achieve an appropriate school experience for all children, the assistant principals, department chairs, administrative deans, teachers, student services personnel and all other employees have a responsibility to:

1. Provide a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. To be responsible to the principal.
3. Support the principal in enforcing the code of conduct.
4. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
5. Initiate conferences, as necessary, as a way to resolve problems.
6. Communicate with parents on matters of student discipline.

SCHOOL DISTRICT PROPERTY

School district 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

School function means any school-sponsored, extra-curricular event or activity.

STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should model 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 hairstyle, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process. For example: the following are inappropriate for school: extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments.
2. Ensure that underwear is completely covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include items that are vulgar, obscene, libelous or that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
6. Hats are not permitted to be worn in school during school hours, unless they are required by a student's religious beliefs.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year.

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

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, tee shirts, they may not prescribe a specific brand that students must buy.

This policy does mean that student, faculty, or parent groups may recommend appropriate dress for school or special occasions. However, 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.

PROHIBITED STUDENT CONDUCT

- 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.

- Students may be subject to disciplinary action, up to and including suspension from school, when they violate their responsibilities as good citizens of the school. All violations apply to student behavior in school, on school property, on school buses and at school-sponsored functions.

Examples of these violations are:

1. Disorderly Conduct
 - a. Running in hallways.
 - b. Making unreasonable noise.
 - c. Using language or gestures that are profane, lewd, vulgar or abusive.
 - d. Obstructing vehicular or pedestrian traffic.
 - e. Engaging in any willful act which disrupts the normal operation of the school community.
2. Trespassing. Students are not permitted in any school building, other than the one they regularly attend during school hours.
3. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
4. Misuse of electronic devices: Using radios, tape players, walkman, Discman, beepers, cellular phones and portable computer games is not permitted during school hours. These items will be confiscated and will be returned at the end of the school day or as soon as possible. Repeated offenders may require contact with the parent or guardian.
5. Insubordinate Conduct:
 - a. Direct and deliberate refusal to obey a directive by a staff member.
 - b. Lateness to class, leaving school without permission and cutting classes.
 - c. Skipping detention.
6. Disruptive Conduct:
 - a. Failing to comply with the directions of teachers, school administrators or other school personnel in charge of students.
 - b. Creating a loud disturbance.
 - c. Using vulgar or abusive language, cursing, or swearing.
 - d. Falsely reporting a bomb threat. (Please note: Falsely reporting a bomb threat is a felony and may result in criminal prosecution.)
 - e. Conduct disruptive of the educational process or that substantially interferes with the teacher's authority over the classroom.

7. Violent Conduct:
 - a. Committing an act of violence (such as hitting, kicking, punching, fighting, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 - b. Committing an act of violence (such as hitting, kicking, punching, fighting, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 - c. 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. Weapons include any type of gun, BB gun, airgun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, or other devise, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. (Refer to BOE Policy #7360)
 - d. Displaying what appears to be a weapon.
 - e. Threatening to use any weapon.
 - f. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 - g. Intentionally damaging or destroying school district property, including graffiti or arson.

8. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
 - a. Lying to school personnel.
 - b. Stealing:
 1. Stealing the property of other students, school personnel or any other person lawfully on school property.
 2. Stealing anything that is school property.
 - c. Defamation, 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.
 - d. Discrimination, using race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner. (Refer to BOE Policy #7540)
 - e. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
 - f. Sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, oral or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to the Assistant Superintendent of

Student Services, who is the Title IX coordinator. (Refer to BOE Policy #7531)

- g. Intimidation and/or threatening, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 - h. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiating into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 - i. Selling, using or possessing obscene material.
 - j. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 - k. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs." (Refer to the District's Alcohol, Drugs & Other Substance Abuse Policy #7320)
 - l. Gambling.
 - m. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 - n. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 - o. Selling, using or possessing fireworks or other dangerous items or facsimiles.
9. Misconduct while on school bus: It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

10. Academic Misconduct:

- a. Plagiarism
- b. Cheating
- c. Copying
- d. Altering records
- e. Assisting another student in any of the above actions

Many of the behaviors described under academic misconduct may rise to the level of criminal behavior and may be reported to the police for further prosecution.

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 is fair, impartial and consistent. School personnel

who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

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

PROGRESSION OF PENALTIES

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

1. Oral warning – any member of the district staff.
2. Written warning – bus drivers, paraprofessionals, coaches, guidance counselors, teachers, student support advisors, building administrators, principal, superintendent.
3. Written notification to parent – coaches, guidance counselors, teachers, student support advisors, building administrators, principal, superintendent.
4. Detention – teachers, student support advisors, building administrators, principal, superintendent.
5. Suspension from transportation – principal, superintendent.
6. Suspension from athletic participation – coaches, principal, superintendent.
7. Suspension from social or extracurricular activities – activity director, principal, superintendent.
8. Suspension of other privileges – principal, superintendent.
9. In-school suspension – principal, superintendent.

10. Removal from classroom – teacher, building administrator.
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.
13. Permanent suspension from school – superintendent, board of education.

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 is encouraged to report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

Due Process Procedures

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

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

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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: the student's age, the student's grade in school, the student's prior disciplinary record, the Superintendent's belief that other forms of discipline may be more effective, input from parents/teachers and/or others, or other extenuating circumstances.

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

Any student, other than a student with a disability, who is found to have committed a violent act—other than bringing to or possessing a firearm or weapon on school property—shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to short-term suspension.

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A. Regular Due Process:

1. Students will be informed of the reason for the discipline to be imposed.
2. Students will be given the opportunity to present their side of the event.
3. Wherever possible, parents will be called to inform them of the circumstances for discipline and the penalty imposed.
4. Parent must be notified in writing within 24 hours of any discipline removal from class, detention, in-school suspension, or suspension.
5. Parents will be provided an opportunity for an informal conference with the building principal to discuss the conduct and penalty imposed.
6. Parents may appeal a principal's suspension by writing to the Superintendent within five business days of the imposed suspension. If still not satisfied, an appeal can be made to the Board of Education within ten business days of the Superintendent's decision. Only final decisions of the Board of Education may be appealed to the Commissioner within thirty days of the decision.

B. Superintendent's Hearing Due Process

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents 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, at 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 that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within ten business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

Permanent suspension is reserved for extraordinary circumstances such as when 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. Permanent suspension will always be preceded by a Superintendent's hearing as defined in Section B.

C. Special Education Due Process:

1. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Superintendent of Schools or a building principal may order the placement of a student with a disability into an alternate setting or on suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent or principal may order the placement of a student with a disability on suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The Superintendent or principal may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. If a student carries or possesses a weapon to school or to a school function, or if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at a school function, the Superintendent may order the placement of a student with a disability in an interim alternative educational setting.
 2. 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 interim alternative educational 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.
 3. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. For more than ten consecutive school days; or
 - b. If the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to ten or more school days in a school year.
 - c. 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.
 4. The district will conduct a Committee on Special Education meeting to determine if the behavior subject to disciplinary action is related to the student's disability. This shall occur whenever a decision is made to place a student in an interim alternative educational setting 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.
 5. 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 interim alternative educational setting for behavior involving weapons, illegal drugs or controlled substances.

6. The district's Committee on Special Education shall conduct functional behavioral assessments to determine why a student engages in a particular behavior, and will develop or review a behavioral intervention plan whenever the district is first suspending or removing a student with a disability for more than ten 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 interim alternative educational setting for misconduct involving weapons, illegal drugs or controlled substances.

If a student with a disability, who has a behavioral intervention plan in place and who is suspended or removed from his or her current educational placement for more than ten school days in a school year, 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.

7. The parents 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 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.

The student will be considered a student presumed to have a disability for discipline purposes. The Superintendent, building 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 the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability, or
2. Determined that an evaluation was not necessary and provided notice to the parents 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.

8. The district shall provide parents 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 interim alternative educational setting 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.
9. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
10. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be conducted in 2 parts, a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
11. The removal of a student with disabilities other than a suspension or placement in an interim alternative educational setting 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 ten 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.
12. During any period of suspension or removal, including placement in an interim alternative educational setting, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.
13. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an interim alternative educational setting 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.

- b. The parent requests such a hearing from a Committee on Special Education's determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an interim alternative educational setting.
 - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an interim alternative educational setting 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 interim alternative educational setting, the student shall remain in the interim alternative educational setting pending the decision of the impartial hearing officer or until expiration of the interim alternative educational setting placement, whichever occurs first, unless the parents and the district agree otherwise.
 - If school personnel propose to change the student's placement after expiration of an interim alternative educational setting placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the interim alternative educational setting, except where the student is again placed in an interim alternative educational setting.
 - An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents 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.

14. Referral to law enforcement and judicial authorities:

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

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

Corporal Punishment

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

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

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

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

Student Searches and Interrogations

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

In addition, the Board authorized the Superintendent, principals, building administrators, student support advisors, and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals 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. Strip Searches: A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search. School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

- C. Documentation of Searches:
The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

The building 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.

D. Police Involvement in Searches and Interrogations of Students:

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

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

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

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.

3. They may request the presence of an attorney.

E. Child Protective Services Investigations:

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

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

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

Visitors to the Schools

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

Public Conduct on School Property

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

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

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

- A. Prohibited Conduct; No person, either alone or with others, shall:
 1. 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/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 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. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to protection of Civil Service Law 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement:

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

When the building 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 his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual 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 his or her 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.

Dissemination and Review

A. Dissemination of Code of Conduct:

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practical after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. 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.

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

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

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

8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)
18 USC §921 Gun-Free Schools Act
Education Law §3214

Adopted: 6/16/99

Amended: 9/5/01; 7/6/04