

CODE OF CONDUCT

5300.05 Introduction

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

The district has a long-standing set of expectations for conduct on school property and at school functions. 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, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct ("code").

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

5300.10 Definitions

For purposes of this code, the following definitions apply.

"Disruptive student" means a student under the age of 21 who is substantially disruptive of the educational process, functioning of the school, or substantially interferes with the teacher's authority over the classroom.

"Parent" means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

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

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

other persons acting in a supervisory capacity to or from school or school activities.

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

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

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

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

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

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

"Bullying" and "Harassment" mean the creation of a hostile educational environment:

- a. by written, verbal, or physical contact, threats, intimidation or abuse, including such behavior conducted via electronic communication,
- b. that has the effect of unreasonably and substantially interfering with a student's education, educational performance, opportunities or benefits, or mental, emotional or physical well-being or conduct that reasonably causes, or would be reasonably be expected to cause, a student to fear for his or her physical safety.

"Bullying" and "harassment" can take many forms including, but not limited to: verbal acts, name-calling, slurs, rumors, jokes, innuendo, demeaning comments, conduct that is humiliating, drawing cartoons,

pranks, gestures, physical attacks, threats, or other written, verbal, physical or electronic actions, including, but not limited to e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, both on and off school property. The basis for such conduct may include, but is not limited to, a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender **(including gender identity and expression)**, sex, marital status, gender identity, socio-economic status, and familial status. "Bullying" and "harassment" do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

5300.15 Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

1. Present their point of view and advocate for their civil rights provided those activities are consistent with a safe, healthy, orderly and civil environment.
2. An opportunity to take part in all district activities on an equal basis regardless of age, actual or perceived race, weight, religious practice, religion, color, national origin, sex, sexual orientation, ethnic group, gender, including gender identity or expression, or disability, provided they are otherwise qualified to do so.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. 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.

5300.20 Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents 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, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Follow school rules and regulations when on school property or attending school functions.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity or expression, or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students

e. Classroom discipline plan.

6. **Maintain confidentiality in conformity with federal and state law.**
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Identify those students in their class that exhibit behaviors related to a suspected disability that impedes his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
9. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.
10. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity or expression or sex, which will strengthen students' confidence and promote learning.
11. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
12. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
13. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

C. Guidance Counselors

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

gender identity and expression), or sex, which will strengthen students' self-concept and promote confidence to learn.

7. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a guidance counselor's attention in a timely manner.

D. Other School Personnel

1. **Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.**
2. **Maintain confidentiality in accordance with federal and state law.**
3. **Be familiar with the code of conduct.**
4. **Help children understand the district's expectations for maintaining a safe, orderly environment.**
5. **Participate in school-wide efforts to provide adequate supervision in all school spaces.**
6. **Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.**
7. **Address personal biases that may prevent equal treatment of all students.**

E. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning **for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.**
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.

4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Implement procedures to provide the building-level procedural protections afforded to students with disabilities or those suspected of having a disability pursuant to federal and state law.
7. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (**including gender identity and expression**), or sex, which will strengthen students' self-concept and promote confidence to learn.
8. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

F. Superintendent of Schools

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning **for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.**
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. **Participate in school-wide efforts to provide adequate supervision in all school spaces.**
7. **Address issues of harassment or any situation that threatens the emotional or physical health or safety of**

any student, school employee, or any person who is lawfully on school property or at a school function.

- 8. Address personal biases that may prevent equal treatment of all students and staff.**

G. The Dignity Act Coordinator(s)

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.**
- 2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.**
- 3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.**
- 4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.**
- 5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.**
- 6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.**
- 7. Address personal biases that may prevent equal treatment of all students and staff.**

H. Board of Education

- 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. Adopt and review at least once a 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.**
- 4. Address issues of harassment or any situation that threatens the emotional or physical health or safety of**

any student, school employee, or any person who is lawfully on school property or at a school function.

- 5. Address personal biases that may prevent equal treatment of all students and staff.**

5300.25 Student Dress Code

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process. The changing styles of day to day, the different values of parents and students, as well as individual interpretation, prevent a detailed description that encompasses every eventuality. However, scant or skimpy clothing is not considered appropriate dress for school.
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 the wearing of hats in the classroom except for a medical or religious purpose.
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender (including gender identity and expression), sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Be appropriate to a specific educational purpose and not inhibit their full and safe participation. (Ed. law 12:84)

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 and any revisions to the dress code made during the school year.

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

school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

5300.30 Prohibited Student Conduct

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

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 which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. **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.**

Engage in conduct that is insubordinate. Examples of

insubordinate conduct include:

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

Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students or otherwise demonstrating disrespect.
2. Being late for school or class.
3. Being unprepared for class.
4. **Inappropriate public sexual contact.**
5. **Display or use of personal electronic devices, such as, but not limited to, cell phones, music players, digital cameras, in a manner that is in violation of district policy.**

Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting 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, or attempting 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. "Weapon" means a gun, pistol, revolver, shotgun, rifle, machine gun, BB gun, pellet gun or air gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, box cutters, cane sword, electric dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other dangerous instrument that can cause physical injury or death.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. 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.
7. Intentionally damaging or destroying school district property.

Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

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. Acts of sexual harassment as defined in the district's sexual harassment policy.
4. Selling, using or possessing obscene material.
5. Possessing or smoking a cigarette, cigar, pipe, e-cigarette, or using chewing or smokeless tobacco.
6. 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, synthetic cannabinoids, and any substances commonly referred to as "designer drugs."
7. Inappropriately using or sharing prescription and over-the-counter drugs.
8. Harassment resulting in emotional distress.
9. Bullying or harassment including, but not limited to: verbal acts, name-calling, slurs, rumors, jokes, innuendo, demeaning comments, conduct that is humiliating, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, physical or electronic actions.

Engage in Misconduct on School Buses

While the law requires the school district to furnish transportation, it does not relieve the parents of students from the responsibility of supervision until such time as the child board the bus in the morning and after the child leaves the bus at the end of the school day.

Once a child boards the bus – and only at that time – does he or she become the responsibility of the school district. Such responsibility will end when the child is delivered to the regular bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board of Education will require students to conduct themselves in the bus in a manner consistent with established standards for classroom and school behavior.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the principal. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. **Copying.**
4. **Altering records.**
5. **Assisting another student in any of the above actions.**

5300.35 Reporting Violations of the Code of Conduct

Any student observing a student engaging in prohibited student conduct on school property or at a school function shall report the violation of the code of conduct to faculty, staff or an administrator.

Any student who is the victim or has knowledge of bullying, harassment, or similar behavior shall report it immediately to District administrative staff.

Any student observing a student possessing a weapon, alcohol, cigarettes, cigar, pipe or smokeless tobacco or illegal substance on school property or at a school function shall be encouraged to report this information immediately to faculty, staff or administrator. Any weapons, alcohol, cigarettes, cigar, pipe or smokeless tobacco 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, which may include permanent suspension and referral for prosecution.

The Building Principal 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.

5300.40 Disciplinary Procedures and Penalties

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 with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning - Any member of the district staff
2. Written warning - Bus drivers, monitors, aides, teachers, principal, superintendent
3. Written notification to parent - Bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention - Teachers, principal, superintendent
5. Suspension from transportation - Principal, superintendent
6. Suspension from athletic participation - Principal, superintendent
7. Suspension from social or extracurricular activities – Principal, superintendent
8. Suspension of other privileges - Principal, superintendent
9. In-school suspension - Principal, superintendent
10. Referral to building principal by teacher, bus driver, monitors & aides.
11. Removal from classroom by teacher - Teachers, principal, superintendent
12. Short-term (five days or less) suspension from school principal, superintendent, board of education
13. Long-term (more than five days) suspension from school - Principal, superintendent, board of education
14. In the case of bullying or harassment, remedial measures focusing on prevention may be implemented (see policy and regulation 0115, Student Harassment and Bullying Prevention and Intervention). Appropriate remedial measures may include, but are not limited to:
 - peer support groups; corrective instruction or other relevant learning or service experience;
 - supportive intervention;
 - behavioral assessment or evaluation;
 - behavioral management plans;
 - student counseling and parent conferences;
 - adjustment in hallway traffic and other student routes of travel;

- targeted use of monitors;
- staff professional development;
- peer support groups.

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 a verbal warning, written warning, written notification to their parents or in school detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Before/After/In School Detention

Teachers, principals and the superintendent may use detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the student's parent has been notified.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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

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

A student subjected to a suspension from athletic participation, 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 will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. Providing Alternative Learning Experiences

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in an Alternative Learning Setting (A.L.S.) apart from the regular classrooms. A placement in an A.L.S. is the temporary reassignment of students from the classroom to another area of the school building designated for such supervision where students will receive substantially equivalent, alternative education.

A student subjected to an Alternative Learning Setting is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official assigning students to the Alternative Learning Center.

5. Teacher Assignment to Alternative Learning Setting (A.L.S.) of Disruptive Students

A disruptive student is a student who is substantially disruptive of the educational process, school function, or substantially interferes with the teacher's authority over the classroom

A classroom teacher may assign a student from class to A.L.S. for no more than two days in secondary school and one day in elementary schools if the teacher

determines that the student is disruptive (hereinafter “reassignment”). A teacher may only reassign students from his or her class for the duration of that class.

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

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be reassigned immediately. The teacher must, however, explain to the student why he or she was reassigned from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.

The teacher must complete a district-established disciplinary referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the reassignment and to present the referral forms. If the principal 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 one school day after the student's reassignment, the Principal or another district administrator designated by the Principal must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the principal's designee to discuss the reasons for the reassignment.

If at the informal meeting the student denies the charges, the Principal or the principal's designee must explain why the student was reassigned and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the

student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

The Principal or his or her designee must make a determination as to whether to overturn the reassignment before the close of business on the day after the day of the informal hearing. No student reassigned to A.L.S. 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. At the teacher's discretion, he or she may rescind the reassignment prior to the expiration of the full period of reassignment.

Each teacher must keep a complete log (on a district-provided form) for all cases of removal of students from his or 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.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to refer a student to the principal for disciplinary action or manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as time

out in a classroom or an administrator's office are not considered a classroom reassignment to the A.L.S.

6. Suspension from School

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

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

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent 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.

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

a. Short-term (5 days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents 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 parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents 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 parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

If the student subject to discipline is classified as a student with a disability or is suspected of having a disability, the Principal shall determine whether a short-term suspension may constitute a change of placement for that student. If so, the Principal shall refer the matter to the Committee on Special Education for a manifestation determination, and impose consequences for behavior in compliance with state and federal laws and regulations with respect to students with disabilities.

The parent may file a written appeal to the Superintendent within 10 days; however, this process does not forestall the suspension. An appeal of the decision of the Superintendent may be made to the Board that will make a decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long-term (more than 5 days) Suspension from School

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 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.

If the student subject to discipline is classified as a student with a disability or is

suspected of having a disability, the Superintendent shall determine whether a long-term suspension may exceed ten days or otherwise constitute a change of placement for that student. If so, the Superintendent shall refer the matter to the Committee on Special Education for a manifestation determination, and impose consequences for behavior in compliance with state and federal laws and regulations with respect to students with disabilities.

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

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school or possess a weapon at school

Any student found guilty of bringing a weapon onto school property or possess a weapon at school will be subject to suspension from school for at least one calendar year, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. 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, teachers and/or others.
- f. Other extenuating circumstances.

The Superintendent is required to refer the following students to the County Attorney (*or the County presentment agency if not 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.

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 year old who possesses a firearm, machine-gun or loaded firearm (as defined in § 265.00 of the Penal Law) on school grounds (as defined in § 220.00 (14) of the Penal Law) qualifies for juvenile offender status under § 1.20 of the Criminal Procedure Law.

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 or possessing a weapon at school

Any student, who is found to have committed a violent act, other than bringing a weapon onto school property or possessing a weapon at school, shall be subject to suspension from school for at least five days, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term

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

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

Any student, who engages in conduct which results in the student being reassigned from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from class or school for at least five days, unless the student is classified as a student with a disability and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a 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.

5300.45 Alternative Instruction

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means instruction by certified staff for the student. Alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education. **The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.**

5300.50 Discipline of Students with Disabilities

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

The 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 laws and regulations. Those procedures are set forth in Part 201 of the Commissioner's Regulations and are incorporated by reference herein. The regulations include procedures related to students presumed to have a disability for discipline purposes, parent/guardian notification, continued services during periods of suspension or removal, and expedited due process hearings.

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

"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 participate in the general curriculum, although in another setting, to continue to receive those services and modifications, and progress toward the goals set out in the student's current individualized education program (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 to the same extent as a non-disabled student provided that the conduct that resulted in the removal or suspension was not a manifestation of the student's disability.

If the student's conduct is determined to be, or may be, a manifestation of the student's disability, the school personnel may order the suspension or removal of a student with a disability provided:

- (a) a short term suspension or removal does not constitute a change in placement. A short term suspension or removal may constitute a change or placement where the total suspensions or removals in a school year cumulate to more than 10 school days and because of such factors as the length of each suspension or removal, the total time the student is removed and the proximity of the suspensions or removals to one another; and
- (b) a long term suspension or removal does not constitute a change in placement or exceed 10 consecutive days for violations of the school code, other than when a student with a disability possesses a weapon on school grounds, or carries 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.

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.

1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930 (g) (2) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except ... [for] a pocket knife with a blade of less than 2 1/2 inches in length."
2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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. Essential Partners for Students with Disabilities

1. Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES, for misconduct involving 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.

- b. 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.

C. 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.

5300.55 Corporal Punishment

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

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.

5300.60 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.

In recognition of certain societal problems which present themselves from time to time in our schools, the Board authorizes the Superintendent, Building Principals and Assistant Principals to conduct searches of pupils and their possessions for illegal matter or matter which otherwise constitutes evidence of a violation of the law or any school rule, policy or directive.

In authorizing such searches by staff, the board acknowledges students have state and federal constitutional rights to be free from unreasonable searches and seizures. Accordingly, staff searches of pupils and searches of their possessions (i.e. pocket contents, book bags, handbags, etc.) shall not be conducted unless founded upon reasonable suspicion.

A. Student Lockers, Desks And other School Storage Places

Pupils shall be informed by the Administration that school lockers, desks, and other storage areas of the school are not their private

property, but the property of the school district. Staff may open those areas, and subject that space to inspection at any time. Pupils do not have a reasonable expectation of privacy for their lockers, desks, or other storage areas. The Superintendent of Schools is authorized to implement a program whereby trained dogs may sniff lockers, desks, or other storage areas to determine whether evidence of a violation of the law, school policy, or rules may be discovered by a search of the area. A positive alert by the trained dog may constitute reasonable suspicion to search the contents of a locker, desk, a student's possessions or other areas.

B. Strip searches

The Superintendent of Schools shall establish regulations regarding staff searches of students, lockers, desks and other areas in accordance with this policy and law.

C. Treatment of Cell Phones

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

D. 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.

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.

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. Where a search of a student's person is conducted, such search will be administered by personnel of the same gender.

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.

The Superintendent of Schools shall establish regulations regarding staff searches of students, lockers, desks and other areas in accordance with this policy and law.

A. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent 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, unless the student is 16 years of age or older. 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.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. 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.

B. 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. The principal or his or her designee shall set the time and place of the interview. The principal 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 not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the

worker may remove the student without a court order and without the parent's consent.

5300.65 Visitors to the Schools

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set, for such visits. The 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 classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
8. School facilities and grounds are primarily for the use of students. They are not available for public use during the hours that school programs are in progress.

5300.70 Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

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.

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. Bully, intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identification and/or expression or sex.
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 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.
16. **Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.**

D. Penalties

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

- a. 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 and may be subject to Town of Oyster Bay ordinances.
- b. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- c. 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.
- d. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- e. Staff members other than those described in subdivisions 4 and 5.
- f. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
- g.

C. Enforcement

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other district staff who are authorized to take action consistent with the code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct, the designated school official shall tell the individual that the conduct is prohibited. The

school official may 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.

D. Trespassing

The Hicksville Board of Education, exercising its powers under the Town of Oyster Bay Trespass Ordinance and the New York State Penal Law 140 hereby prohibits unauthorized or unlicensed persons to trespass on any school properties under its jurisdiction. To carry out this policy, the board authorizes the Superintendent of Schools to designate, on or before September 1st of each school year, certain personnel for each building and those with jurisdiction over all buildings to issue orders against a person trespassing. Such a list may be revised at any time necessary to update.

5300.75 Dissemination and review

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
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 practicable 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 complete 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. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, 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 of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Board Approval Date: May 15, 2007

Revised: June 12, 2013

February 13, 2019