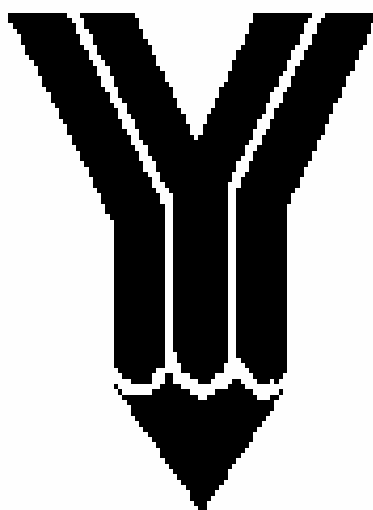


YORKTOWN CENTRAL SCHOOLS

DISTRICT-WIDE



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STUDENT  
CODE OF CONDUCT  
(Policy #5300)

Revised January 13, 2009

## **DISTRICT CODE OF CONDUCT**

### **INTRODUCTION**

The Board of Education of the Yorktown Central School District 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. Because the Board believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. Finally, it is our belief that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff,
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for the control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

## **DEFINITIONS**

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

**Disruptive Student** - an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Parent** - the parent, guardian or person in parental relation to a student.

**Removal** - the act of a teacher in discontinuing the presence of the student in his/her classroom.

**School Property** - 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 §142 of the New York State Vehicle and Traffic Law.

**School Function** - any school sponsored extra-curricular, co-curricular or other event or activity, whether on or off of school property.

**Suspension** - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

**Violent Student** - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so.
- 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, or attempts to do so.
- possesses, while on school property or at a school function, a weapon.
- displays, while on school property or at a school function, what appears to be a weapon.
- threatens, while on school property or at a school function, to use a weapon.
- 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.
- knowingly and intentionally damages or destroys school district property.

## **Weapon –**

1. A firearm, as defined in the Gun-Free Schools Act (18 USC §921), including:
  - a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive;
  - the frame or receiver of such firearm;
  - any firearm muffler or silencer;
  - any destructive devices, including:
    - any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having any explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
    - any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;
    - any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
2. A weapon also includes but is not limited to any other gun (including imitation and look-alikes), BB or pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, electronic stun gun, spring gun, cap gun, paint-ball gun; dagger, dirk, razor, stiletto, switchblade knife, utility knife, pocket knife, gravity knife, pilum ballistic knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, martial arts instrument including but not limited to Kung Fu star, ninja star, ninchuck, chukka or shirken; billy club, blackjack, bludgeon of any type, sandbag, sandclub; deadly or dangerous chemical including but not limited to a strong acid or base, Mace or pepper spray or other noxious spray; explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. “Weapon” shall also include any other instrumentality or device defined as a “weapon” under any provision of the New York State Penal Law, or under the U.S. Code.
3. Objects not normally considered to be weapons (e.g., scissors, pens, pencils, padlocks, trays, utensils, books, etc.) may nonetheless be used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Discipline for the use of an instrument used as a weapon may, in the discretion of the Superintendent or designee, coincide with, but not be limited to, the suspension periods governing weapons.

## STUDENT RIGHTS AND RESPONSIBILITIES

The Yorktown Central School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

### RIGHTS OF STUDENTS

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right

- to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability, sexual orientation, marital status or veteran status;
- to be informed of all school rules;
- to be guided by a discipline policy which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

- 1. Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Any assembly or public expression on school grounds or at school activities that advocates the use of drugs or other substances that are illegal to minors is prohibited. Furthermore, speech which materially and substantially disrupts the work and discipline of the school, may be subject to limitation.
- 2. Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code."

- 3. Student Activities** - All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the District Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
- 4. Student Government** - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
- 5. Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
- 6. Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
- 7. Pregnant Students** - The Board of Education will provide instruction to pregnant students in the same manner as instruction is provided to other students unless the student's physician determines that the student is disabled and certifies that the student requires home instruction.
- 8. Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

## **RESPONSIBILITIES OF STUDENTS**

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- to accept responsibility for his/her actions;
- to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- to contribute to maintaining a safe and orderly school environment that is conducive to learning;
- to attend school, classes, meetings and activities on a regular and punctual basis;
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to work to the best of their ability in all academic and extracurricular pursuits, and to strive toward their highest level of achievement possible;
- to respect school property, e.g. lockers, and help to keep it free from damage;
- to obey school regulations and rules made by school authorities and by the student governing body;
- to interact with teachers, administrators, school personnel and peers in a respectful, positive manner;
- to recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to work to develop mechanisms to control their anger and frustrations;
- to become familiar with this code and seek interpretation of parts not understood;
- to seek help in solving problems and to communicate to adults concerns that might lead to discipline;
- to dress appropriately for school and school functions;
- 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; and
- to actively discourage inappropriate behavior of other students and report the incidents to the administration.

## **THE ROLE OF PARENTS**

A cooperative relationship between home and school is essential to each student's successful development and achievements. Research indicates that significant parental involvement in the education of their children leads to higher academic achievement, increased self-esteem, and fewer behavior problems. To achieve this wholesome relationship, parents are urged:

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to build good relationships with teachers, other parents and their child's friends;
- to teach their child self-respect, respect for the law, respect for others and for public property;

- to help their child understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- to insist on prompt and regular attendance, and to ensure that absences from school are legitimate;
- to listen to the views and observations of all parties concerned;
- to recognize that teachers merit the same consideration and respect parents expect from their child;
- to encourage their child to practice good hygiene and grooming, and take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure;
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child;
- to inform school officials of changes in the home situation that may affect student conduct or performance;
- to read and support the District Code of Conduct.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school, including but not limited to lost books, damage to property, etc.

## **THE ROLE OF SCHOOL PERSONNEL**

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting Building Principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools;
- demonstrate effective and appropriate management of student behavior.

## **THE ROLE OF TEACHERS**

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. Teacher skill and preparation, combined with higher expectations for student achievement and effective communication with home, are known to contribute to student success. In view of this responsibility, the teacher must:

- promote a climate of mutual respect and dignity which will strengthen each student's self-concept and promote confidence;
- plan and conduct instruction that will make learning challenging and stimulating;
- demonstrate interest in teaching and concern for student achievement;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- to read, understand and comply with a student's individualized education plan or §504 plan;
- to read, understand and comply with a student's behavior improvement plan;
- seek to develop close cooperative relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the discipline code to students;
- enforce the code in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- immediately report and refer violent students to the Principal or Superintendent of Schools;
- demonstrate effective and appropriate management of student behavior.

## **THE ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;

- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the “District Code of Conduct” and ensure that all discipline cases referred are resolved promptly;
- insure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “District Code of Conduct”;
- demonstrate desirable standards of behavior through personal example.

## **THE ROLE OF DISTRICT ADMINISTRATORS**

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

## **THE ROLE OF THE BOARD OF EDUCATION**

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this code of conduct;
- ensures that the District Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the District Code of Conduct is clearly communicated to students, parents, staff and the school community;

- ensures that the District Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the District Code of Conduct and updates it as necessary;
- demonstrate desirable standards of behavior through personal example.
- Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

## **CONDUCT OF VISITORS**

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the front desk of the lobby of the building visited and receive and display a Visitor's identification badge. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this District Code of Conduct.

## **REPORTING CODE VIOLATIONS**

### **1. To School District Personnel**

Students are expected to promptly report violations of the District Code of Conduct to a teacher, guidance counselor, the Building Principal or in his/her absence, the Acting Building Principal. Students are required to report any threat of violence, including but not limited to a student possessing a weapon, a bomb threat, threats to person or property whether oral, written or by electronics means, whether occurring on or off school premises, as well as a student possessing an illegal substance on school property or at a school function.

All District staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to report any violation of the District Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. District staff are required to report any threat of violence and violent students to the Building Principal or, in his/her absence, the Acting Building Principal or the Superintendent of Schools.

### **2. To Local Law Enforcement Agencies**

The District will report any acts of violence against persons that constitute a felony or misdemeanor, threatened acts of violence, and other violations of the District Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16 (e.g., theft; destruction of school property; assault; false fire reports; arson; bomb threats; use, possession, distribution or sale of drugs or alcohol; use, possession, distribution or sale of a dangerous or deadly object or a potentially dangerous or deadly object).

The report shall be made as soon as possible but in no event later than the close of business on the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student or other individual and explain the conduct that violated the District Code of Conduct and constituted a crime. When necessary, the District will file a complaint in criminal court against the actor.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, and secured, followed by notification to the parent of the student involved and referral for discipline.

### **3. To Human Services Agencies**

The District will report any violations of the District Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

## **DISCIPLINE**

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

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

- the student's age;
- the nature of the offense and the circumstances which led to the offense;
- the student's prior disciplinary record;
- information from parents, teachers and/or others, as appropriate;
- other extenuating circumstances.

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

### **1. Detention**

Teachers, Principals and the Superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would not be appropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

Students assigned after school detention are expected to complete work assigned by their respective teachers. If a student is uncooperative or fails to report for the detention, the detention supervisor shall advise the appropriate administrator immediately.

## **2. Removal of a Student from the Classroom**

The School District has determined that certain acts of misconduct interfere with instruction and/or with the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, efforts will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. In most instances, the teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to meet with a guidance counselor or other staff member for counseling. These types of time honored classroom management techniques do not constitute disciplinary removals for purposes of this Code. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A secondary teacher may remove a student for the remainder of the class upon the first event and for up to two days of class upon the second or third event. An elementary teacher may remove a student for one class period or one hour upon the first event and for two class periods or two hours upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, if the circumstances warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;

- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- the Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed;
- the Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools or designee within 10 calendar days, prior to any further appeal.

## **STUDENT SUSPENSION PROCESS**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- is insubordinate, disorderly or violent, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

### **In-School Suspension**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom and the school to establish an environment conducive to learning. As such, the Principals and the Superintendent may place students who would otherwise be suspended from school as a result of a violation of this Code of Conduct in “In-School Suspension.” The in-school suspension room will be supervised by a certified teacher.

A student who receives an in-school suspension is not entitled to a full hearing pursuant to §3214 of the Education Law. However, the student and the student’s parent will be notified of the in-school suspension and provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension, to discuss the conduct and the penalty.

### **B. Pre-suspension Process for Out-of-School Suspensions**

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student’s presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal’s conference, unless waived, as described in paragraph “C”, below.

### **C. Short Term Suspension Process: Suspension for Five or Fewer School Days**

Prior to a proposed suspension from school for between one and five school days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student’s version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible. The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older.

The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Superintendent of Schools in writing within 10 business days of the suspension. If the parents are not satisfied with the Superintendent's decision, they may file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision. The decision of the Board of Education may be appealed to the Commissioner of Education within 30 calendar days of the decision.

#### **D. The Long-term Suspension Process: Suspension for More than Five School Days**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is a written agreement between the person requesting the suspension and the parent, a long-term suspension may be imposed only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, Acting Building Principal or the Superintendent has made the original suspension or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendations pursuant to the penalty parameters described herein.

#### **E. Hearing Procedures**

##### **Notice of Hearing**

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

### **The Long-Term Suspension Hearing**

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s) that:

- the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- the District has the burden of proving the charges by a preponderance of the credible evidence;
- a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties that:

- the case will proceed by having the District present its evidence through witnesses and other evidence first;
- the District's witnesses shall be subject to cross-examination by the student's representative; and
- the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges. In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Alternative Instruction**

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of a reasonably equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately but in no event later than the third day of suspension.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school, alternative equivalent instruction shall be provided for the duration of the period of suspension.

## **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education within 10 business days of receipt of the Superintendent's determination. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

The Board may review findings of fact, uphold the penalty, reduce the penalty or condition a suspended student's early return to school or suspension revocation upon: (1) student's voluntary participation in counseling or (2) voluntary participation in special classes, such as those addressing anger management or dispute resolution.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education within 30 calendar days of receipt of the Board's decision.

## **F. Off-Campus Misconduct**

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education reasonably believes that the continued attendance in school of the student would adversely affect the educative process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

A student may be subject to discipline for off-campus misconduct that does not involve criminality that the Superintendent of Schools or Board of Education reasonably believes has a nexus to the educative process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

## **G. Dress and Grooming**

Students are expected to dress and groom themselves in an appropriate manner. Student must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- any dress or appearance which advocates or encourages the other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- the wearing of hats in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- any dress or appearance which constitutes a disruption to the educational process.

The Superintendent of Schools and/or his/her designee shall have the authority to require a student to change or cover-up his/her attire should it be deemed inappropriate according to the above guidelines.

## **H. Computer and Internet Use**

The following prohibited use of District-owned computer equipment, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. Electronic communications created by a student or another individual at a student's request, which originate from the school premises or which is received at the school premises, event or activity or which affects the operation of the school or a school event or activity which:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys a threat of violence, including sexual violence, to a specific individual or individuals or to the school district;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.

These same guidelines shall apply to all electronic communications, even those initiated from devices not owned by the District, if the message is received at the school premises or by one or more district students or staff members at off-campus sites.

2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

#### **J. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends). This may have an impact on the student's eligibility for participation in graduation ceremonies and all school-sponsored activities including but not limited to the senior trip and prom. Middle and High School students and student athletes may be subject to additional consequences that extend beyond the suspension period.

#### **K. Discipline of Students with Disabilities**

A Principal may suspend a student with an educational disability for a short-term (5 school days or less) in the same manner as non-disabled students maybe suspended. A Principal's designation of an Interim Alternative Educational Setting must be made in consultation with the student's special education teacher.

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability or meets the "suspected of having a disability" standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined on a violation of a provision of the District's Code of Conduct, before a penalty may be imposed, the following rules shall apply; the following steps, either under Section 504/Title II ADA Disability or IDEA Disability should be followed:

### **Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), the §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct, **no** additional discipline shall be imposed and the record of discipline imposed to date shall be expunged. The 504 Committee shall consider any appropriate evaluations and/or modifications to the student's accommodation plan.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed in the same manner as it would be for nondisabled students, upon remand to the §3214 hearing officer. Any penalty imposed may not be based on past behavior for which a nexus determination was not made. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are currently using or in possession of alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.
4. The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

### **IDEA Disability**

For students classified or presumed to have disabilities under the Individuals with Disabilities Act (hereinafter referred to as "IDEA"), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 or fewer days in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. the parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student, that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. the parent of the student has requested an evaluation of the student; or
3. a teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. the parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. the parent of the student has refused special education services; or
3. it was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not a student with a disability; or
4. it was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

### **Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
  - a. the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. the conduct in question was a direct result of the school district's failure to implement the IEP.

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When a Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days notice to the student's parent or guardian at the meeting. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

**Discipline of Students with Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

1. the CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice;
2. a court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained;
3. the violation involves weapons, drugs or serious bodily injury.

## **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length." While a pocket knife with a blade of less than 2-1/2 inches in length is not a weapon for purposes of Commissioner's Regulation §201.7, the student will, however, be subject to discipline under the Code of Conduct, including suspension from school.
2. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the student to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

## **Dangerous Students**

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

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

## **Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"**

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as nondisabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

## **Pendency Placement**

An IAES shall be deemed the student's "stay put" placement for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not "presumed to have a disability", and/or 2) a finding that the student's misconduct was not a manifestation of the student's disability, and/or 3) a decision to place a student in an CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

## **Declassified Students**

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

## **DISCIPLINARY MEASURES**

The following shall constitute appropriate disciplinary measures authorized by this Student Code of Conduct:

1. warnings (oral or written);
2. detention;
3. removal from class;
4. in-school suspension;
5. suspension from school for up to five (5) school days;
6. suspension from school in excess of five (5) days;
7. suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to 45 school days;
8. placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to his/her disability;
9. suspension and notification of police;
10. permanent suspension (Expulsion);
11. confiscation (e.g., electronic equipment, tobacco products);
12. restitution (e.g., for acts of vandalism);

## **INFRACTIONS WITH PENALTY REFERENCES**

**NOTE: THE RANGE OF PENALTY REFERENCES SET FORTH BELOW IS TO PROVIDE DISTRICT ADMINISTRATORS WITH FLEXIBILITY IN METING OUT DISCIPLINE, IN THEIR DISCRETION.**

May include any or all of the following consequences and may include Police contact:

1. Disturbances which disrupt instruction. (1, 2, 3, 4 & 5)
2. Substantially disruptive and/or substantially interferes with teacher's authority in class. (2, 3, 4, 5, 6)

3. Repeatedly disruptive and/or substantially interferes with the teacher's authority in class, giving rise to removal on four or more occasions per semester (3, 4, 5, 6)
4. Abusive language and/or gestures directed at staff, students or visitors on school grounds, school transportation or at school functions. (2, 3, 4, 5, 6)
5. Failing to follow school rules and staff directions. (1, 2, 3, 4, 5, 6)
6. Dress or grooming which is inappropriate as described in this Code of Conduct. (1, 2, 3, 4, 5, 6)
7. Possession and/or dissemination and/or sale of obscene materials. (1, 2, 3, 4, 5, 6, 11)
8. Smoking or other tobacco use on campus or at school functions. (1, 2, 3, 4, 5, 11)
9. Possession and/or dissemination of tobacco, tobacco products and accessories, e.g., lighters, matches. (1, 2, 3, 4, 5, 11)
10. Cheating in any academic or extra-curricular or co-curricular activity. (1, 2, 3, 4, 5, 6 Academic Sanction, National Honor Society Sanction)
11. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction herein, and for failing to notify a parent of assignment to detention or continuing to cut class or school. (1, 2, 3, 4, 5, 6)
12. Fighting between students. (2, 3, 4, 5, 6, 8, 9, 10)
13. A fight involving the use or threatened use of a dangerous or deadly weapon. (6, 7, 8, 9, 10, 11)
14. Any violent act or threat of violence against a teacher or other staff member, as described in this Code of Conduct. (6, 7, 8, 9, 10, 12)
15. Any violent act or threat of violence against another student or person in the schools or at a school function, as described in this Code of Conduct. (6, 7, 8, 9, 10, 12)
16. Any threat of violence, whether against another student, staff member or other person connected with the schools, the school district or school property, communicated verbally, in writing or by electronic means, whether from an on-campus or off-campus location. (1, 2, 3, 4, 5, 6, 8, 9, 10)
17. An unprovoked assault against another student or person in the schools. (5, 6, 8, 9, 10)
18. Possession, and/or use, and/or portrayal, and/or sale, and/or distribution of dangerous or deadly weapons or other potentially dangerous objects on school property or at school functions. (6, 7, 8, 9, 10, 11)

- 19.** Sale or other distribution, possession and/or use and or portrayal of illegal drugs, alcohol or counterfeit drugs, or drug paraphernalia, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while at school functions. (4, 5, 6, 7, 8, 11)
- 20.** Possession and/or use and/or sale and/or distribution of dangerous or deadly substances (including but not limited to chemicals and inhalants) at school or while at school functions. (5, 6, 8, 9, 11, 12)
- 21.** Possession and/or sale and/or distribution of fireworks or other incendiary devices on school property or at school events. (5, 6, 8, 9, 11)
- 22.** Use of fireworks while on school property or at school events. (5, 6, 7, 8, 9, 11)
- 23.** Commission of conduct which constitutes a misdemeanor while on school property or at a school event. (4, 5, 6, 8, 9, 11, 12)
- 24.** Commission of conduct which constitutes a felony while on school property or at a school event. (5, 6, 8, 9, 10, 11, 12)
- 25.** Gambling. (2, 4, 5, 6, 9, 11, 12)
- 26.** Hazing. (1, 2, 3, 4,5, 6, 9, 10)
- 27.** Obscene, lewd, vulgar or indecent conduct or speech that is oral or written and expressed or distributed on the campus of the District. (1, 2, 3, 4, 5, 6, 9, 10)
- 28.** Public displays of affection beyond hand holding. (1, 2, 3, 4, 5, 6)
- 29.** Theft of property, school or personal. (2, 3, 4, 5, 6, 9, 12)
- 30.** Extortion. (2, 4, 5, 6, 9, 12)
- 31.** Plagiarism. (2, 3, 4, 5, Academic Sanction)
- 32.** Lighting a fire in school or on school property or at a school function, whether or not damage results (includes lighting a match if not authorized). (4, 5, 6, 9, 12)
- 33.** Arson. (6, 9, 10, 12)
- 34.** Intentional destruction of school property (vandalism). (4, 5, 6, 9, 12)
- 35.** Use or possession of a light or laser pointer. (1, 2, 3, 4, 5, 11)
- 36.** Unauthorized use or possession of a beeper, cellular phone/camera or any audio playing device during the school day. (1, 2, 3, 4, 5, 6, 9, 11)

37. Unauthorized use of a beeper, cellular phone or any audio playing device during instructional time (1, 2, 3, 4, 5, 6, 9, 11)
38. Violation of computer use policy (1, 2, 3, 4, 5, 6, 9 and/or Suspension of Computer Privileges)
39. Class, study hall, homeroom, teacher detention, administrative detention cuts. (1, 2, 4, 5, 6)
40. Eating or drinking where prohibited. (1, 2, 3, 11)
41. Distribution of “power” or “energy” drinks (such as but not limited to Red Bull, Bad Boy, Rockstar, Monster, Wired, Full Throttle, XS). (1, 11)
42. Driving recklessly, speeding, failing to follow school staff directives on school grounds. (4, 5, 6, 9, 12 and/or Suspension or Revocation of driving and parking privileges)
43. Parking in unauthorized areas. (1, 2, 4, 5, 6, 9 and/or suspension or revocation of driving and parking privileges)
44. Activation of a false fire alarm, bomb threat or other disaster alarms. (6, 7, 9, 10, 12)
45. Forgery or fraud. (2, 3, 4, 5, 6, 9)
46. Harassment (any word, communication or action based in whole or in part upon sexual, racial, religious, age, ethnicity, national origin, gender, marital status, disability, sexual orientation, veteran status, appearance or other physical attribute for which there is no legitimate purpose). (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)
47. Bullying, intimidation or coercion (the act of threatening, verbally, in writing, by electronic communication or by gesture, the well-being, health, safety, freedom or property of any person). (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)
48. Leaving campus without authorization. (1, 2, 4, 5, 6)
49. Tardiness to class/school. (1, 2, 4)
50. Unauthorized absence from school or class. (1, 2, 4, 5)
51. Trespassing on campus or at any school sponsored or school related function or event while suspended from school. (5, 6, 9)

**THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.**

**CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

**THE ADMINISTRATION RESERVES THE RIGHT TO IMPLEMENT DISCIPLINARY ACTION FOR INCIDENTS NOT SPECIFICALLY IDENTIFIED ABOVE.**

**PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

**PROHIBITED CONDUCT**

No person, either singly or in concert with others, shall:

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;

- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
- knowingly use cigarettes and other tobacco products on school premises or at school functions, whether on or off of school premises;
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

## **PENALTIES AND PROCEDURES**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- if a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection;
- if a trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest;
- if s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct;
- if a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement;
- if a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection;
- if a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

## **ENFORCEMENT PROGRAM**

The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

1. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
2. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
3. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.