

Dryden Central School District

CODE OF CONDUCT

IMPLEMENTING PROJECT SAVE

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DRYDEN CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

Introduction

The Dryden Central School District is committed to providing a safe and orderly 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. This Code of Conduct applies to all school events and activities both on school grounds and off school grounds.

Definitions

For purposes of this code, the following definitions apply.

“District” refers to Dryden Central School District.

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

“Visitor” means anyone who is not a regular staff member or student of the school.

“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 Dryden Central School District or on a District school bus.

“School function” means any school-sponsored event or activity.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
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, or attempts to do so.
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. This also includes but is not limited to the following: any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, sling shot, razor, any knife, stiletto, switchblade knife, gravity knife, brass knuckles, metal knuckle knife, box cutter, utility knife, pocket knife, 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.

“Sexting” is the act of sending sexually explicit messages or photos electronically, primarily between cell phones.

Students Rights and Responsibilities

Student Rights

The Dryden Central School District is committed to safeguarding the rights given to all students under state and federal law. In addition, as the Dryden Central School District is committed to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Take part in all activities on an equal basis regardless of race, color, creed, national origin, religion, disability, gender or sexual orientation.
2. Present their version of the relevant event to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

Student Responsibilities

All students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and 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 to avoid the need for 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 hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

Essential Partners

Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility for 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 that homework assignments are completed.

Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, 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 and plans.
6. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

School Counselors

All District counselors are expected to:

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 student's 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.

District Employees

All District employees are expected to:

1. Maintain a climate of mutual respect and dignity.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Communicate regularly with other District employees.
4. Exemplify and reinforce acceptable attire and help students develop an understanding of appropriate appearance in the educational setting.

Principal & Assistant Principal

The school principal and assistant principal are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievance.
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.

Superintendent

The superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize 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.

Board of Education

The Board of Education is expected to:

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

Visitors

All visitors to the schools are expected to:

1. Make appointments to meet with school personnel, rather than appearing unannounced;
2. Sign in at the main office upon entering a school building;
3. Be only in appropriate areas of the building, as designated by school officials;
4. Interact with school personnel in a polite, respectful, and appropriate manner;
5. Refrain from disciplining any students while on school grounds;
6. Refrain from engaging in verbal or physical conflict with any students while on school grounds.

Student Dress Code

Parents and individual students have the primary responsibility for assuring that the student's dress and appearance are respectful and appropriate for school. However, attire must comply with health and safety requirements, must not interfere with the educational process, and must not demean other people or infringe upon their rights. Clothing that expresses hatred or promotes violence against any group because of differences of race, creed, sexual orientation or gender is unacceptable. In addition, clothing which promotes or displays blatant sexual activity or which is obscene is also objectionable. Finally, clothing which depicts or promotes the use of drugs and/or alcohol is not permitted on school grounds.

While the school administrators may require students participating in certain classes or activities to wear specified types of clothing and footwear such as sneakers, socks, shorts, or tee shirts, they may not prescribe a specific brand name which students must buy.

Student, faculty, or parent groups may recommend appropriate dress for school or special occasions. However, a student shall not be prevented from attending school or a school

function, or otherwise be discriminated against, as long as his/her dress and appearance meet the requirements of this policy.

Examples of apparel that would be considered inappropriate include, but are not limited to:

- Tube tops
- Apparel that has a plunging neckline that is excessively revealing
- Apparel that exposes front or back midriff
- Apparel that is see-through
- Apparel that exposes undergarments including, but not limited to boxers, briefs, thongs, panties, camisoles, and brassieres

For reasons of school/community safety, students should:

- Not wear bulky coats, capes, and similar clothing during the school day
- Not wear hoods up
- Not wear apparel with heavy chains and/or spikes attached
- Not wear sunglasses inside school buildings except for medical reasons
- Wear footwear at all times except on the deck of, or in, the swimming pool

Students also should be aware that they should not wear items that:

- Have pictures, words or sayings that are vulgar, obscene, and libelous or that denigrate others on account of race, color, religion, ancestry, national origin, sexual orientation or disability
- Promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage illegal or violent activities.

Staff may establish classroom rules regarding the wearing of head coverings or sweatbands in classrooms. Students are required to abide by classroom rules established by the staff member except when a head covering is called for because of medical or religious reasons, or where it is part of a uniform or school-sponsored activity.

Each building principal shall be responsible for informing all students, staff and parents of the student dress code at the beginning of the academic year and any revisions to the dress code made during the academic 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, 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.

Student Conduct

All students are expected 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 rules of conduct listed below are intended to clarify the expectations for student conduct while on school property or engaged in a school function. This list is not intended to be either exclusive or exhaustive. These rules of conduct focus on safety and respect for the rights and privacy 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:

1. Engage in conduct that is disorderly. Examples of disorderly conduct include:
 - a. Running in hallways.
 - b. Making unreasonable noise.
 - c. Refusal to put a backpack in the locker before homeroom and leave it in the locker until the end of the school day.
 - d. Using language or gestures that are profane, lewd, vulgar or abusive.
 - e. Obstructing vehicular or pedestrian traffic.
 - f. Engaging in any willful act that disrupts the normal operation of the school community.
 - g. 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. Middle School and High School students will respect the rules of each building and observe them when in each area of the Middle School/High School. Students who have been suspended from school may not come on School District grounds during the suspension period except with advance permission from an administrator.
 - h. 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. This includes a prohibition of all sexting and cyber-bullying.
 - i. Public displays of affection.
2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees or otherwise demonstrating disrespect through inappropriate language or gestures.
 - b. Lateness for school or leaving school without permission.
 - c. Illegal absence from class or assigned area.

- d. Illegal absence from school.
 - e. Skipping detention.
3. Engage in conduct that is disruptive. Examples of disruptive conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators, or other school personnel.
 - b. Disrupting the educational process or substantially interfering with the teacher's authority over the classroom.
 4. Engage in conduct that is violent. Examples of violent conduct include
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Intentionally damaging or destroying School District property.
 - e. Possessing or using fireworks/firecrackers.
 - f. 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. It is unlawful for any person to knowingly possess or have in their possession upon school grounds or in a District building and which is not necessary for school activities, any knife, dangerous chemicals, explosives, air-gun, spring-gun, or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge and/or which could be used as a weapon, and/or as defined in section 921 of Title 18 of the United States Code. According to section 921, a firearm includes any weapon that 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 any such weapon; and any explosive incendiary or poison gas including bombs, grenades, rockets, or similar devices.
 - g. Possessing ammunition.
 - h. Displaying or possessing what appears to be a weapon.
 - i. Threatening to use any weapon.
 5. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:
 - a. Lying to school personnel.
 - b. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
 - c. Burglary.
 - d. Defamation, which may include but is not limited to making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

- e. Discrimination, which may include but is not limited to the use of race, color, creed, national origin, religion, gender, sexual orientation, economic status, or disability as a basis for treating another in a negative manner.
 - f. Harassment, which may include but is not limited to a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group, which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
 - g. Intimidation, which may include but is not limited to engaging in actions or statements that put an individual in fear of bodily harm.
 - h. Hazing, which may include but is not limited to any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club, or team.
 - i. Selling, using or possessing obscene material.
 - j. Using vulgar or abusive language, cursing, or swearing.
 - k. Possessing or smoking a cigarette, cigar, or pipe or possessing or using smokeless tobacco on school grounds or at any school sponsored activity.
 - l. Consuming, sharing, distributing and/or selling, using and/or possessing alcoholic beverages, illegal substances, counterfeit and designer drugs, or paraphernalia for the use of such at any school-sponsored event or on school property. "Illegal substances" include, but are not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any of those substances commonly referred to as "designer drugs."
 - m. Being under the influence of alcohol, illegal substances, counterfeit and/or designer drugs.
 - n. Inappropriately using or sharing prescription and/or over-the-counter drugs. Any drug taken in accordance with a current prescription signed by a physician is to be deposited with and administered through the nurse's office.
 - o. Gambling.
 - p. Indecent exposure; that is, exposure to sight of the private parts of the body. This includes sexting.
 - q. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 - r. Refusing to place a backpack or similar bag in the locker. All backpacks or similar items shall be put in lockers before homeroom and left in the locker until the end of the school day. Athletic bags may be stored in the locker room or other area designated by the athletic director.
6. Engaging in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. Inappropriate or distracting use of personal or cell phone cameras is prohibited on the school bus.

7. Engaging in any form of academic misconduct. Examples of academic misconduct may include but are not limited to:
 - a. Plagiarism.
 - b. Cheating.
 - c. Copying.
 - d. Altering records.
 - e. Assisting another student in any of the above actions.
8. Failure to follow rules as set forth in the student handbook, code of conduct or other codes set forth in extracurricular and athletic activities.

Reporting Violations

All students are expected to report promptly violations of the code of conduct to a teacher, guidance counselor, the building principal, or his/her designee. Any student observing a student possessing a weapon, alcohol, tobacco or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, any staff member, a trusted adult or the superintendent.

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

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution. Law enforcement is involved in drug, alcohol, and weapon issues.

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

Disciplinary Penalties, Procedures, and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. Before seeking outside assistance, teachers should first exhaust all their resources to create a positive change within the classroom setting. However, when other assistance is sought, emphasis should be placed on the student's ability to grow in self-discipline.

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

1. The student's age.
2. The nature of the offense.
3. The student's prior disciplinary record.
4. Effectiveness of other forms of discipline.
5. Information from parents, teachers, and/or others, as appropriate.
6. The student's special needs as determined by the Committee on Special Education.
7. Other extenuating circumstances.

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

Penalties

Students who are found to have violated the District's code of conduct may be subject to the following penalties/interventions, either alone or in combination.

1. Oral warning.
2. Written warning.
3. Written and/or phone notification to parent.
4. Counseling.
5. Mediation.
6. Restitution.
7. Detention.
8. Suspension/removal from transportation.
9. Suspension/removal from athletic participation.
10. Suspension/removal from social or extracurricular activities.
11. Suspension/removal of other privileges.
12. Referral through the appropriate county agency.
 - a. Person in Need of Supervision (PINS) referral
 - b. Department of Social Services
 - c. Child Protective Services
 - d. Department of Probation
13. Notification of local law enforcement agency.
14. In-school suspension.
15. Removal from classroom.

16. Short-term out-of-school suspension.
17. Long-term out-of-school suspension.
18. Hearing before the superintendent or the Board of Education.
19. Expulsion from school.

Procedures

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

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

1. Detention

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

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver or transportation supervisor 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 or their designees. In such cases, the student's parent(s) will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

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

A student subjected to a suspension from athletic participation, extracurricular activities, or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent(s) 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. In-school suspension

Schools 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 for “in-school suspension.” The in-school suspension supervisor will be a certified teacher and/or teaching assistant.

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

5. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher redirecting the student’s behavior or directing a student to leave the classroom briefly to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out” or “time aside”; (2) sending the student to a neighboring/buddy teacher; (3) sending a student into the hallway briefly, still within sight of the teacher; (4) sending a student to the principal’s office for the remainder of the class time only; or (5) sending a student to a guidance counselor or designee or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The final determination will be made by the building principal. The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a District-established disciplinary removal 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 removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's parents, in writing, 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 and the teacher to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice also should be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal shall require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent(s) and principal.

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

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

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

If a disruptive student is removed from the classroom by the classroom teacher, the District shall offer continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher must file a District approved disciplinary removal form for all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class.

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

6. Suspension from school

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

The primary responsibility for the suspension of students lies with the building principals and the superintendent. Any staff member may recommend to the principal or the superintendent 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.

a. Short-term (five days or less) suspension from school

When the principal or the superintendent (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 also must 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 of the parents. Where possible, notice also should be provided by telephone if the school has been provided with a telephone number 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.

After the conference, the principal shall promptly advise the parents in writing of his/her decision. The principal shall advise the parents that, if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than five days) suspension from school

When the building principal or the superintendent determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his/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/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the District Clerk within 10 business days of the date of the superintendent's decision, unless the parents 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 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.

Minimum Periods of Suspension

1. Students who bring a weapon to school

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law (see section below “Discipline of Students with Disabilities”).

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

Any student, other than a student with a disability (see section below “Discipline of Students with Disabilities”), who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school. The student and the student’s parents will be given notice and opportunity for an informal conference. If the proposed penalty exceeds a 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 five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors applied in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability (see section below “Discipline of Students with Disabilities”), who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, may be suspended from school. For purposes of this code of conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is a suspension, the student and the student’s parent(s) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parent(s) 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 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.

Discipline of Students with Disabilities

It may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. The procedures for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater nor lesser rights than those expressly afforded by applicable federal and state law and regulations.

Referrals

1. Counseling

The School Counseling Office shall handle all referrals of students to counseling.

2. PINS Petitions

The District may file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

Corporal Punishment

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

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

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

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

Student Searches and Interrogations

To ensure an atmosphere on school property and at school functions that is safe and orderly, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent(s) before questioning the student. However, school officials will tell all students why they are being questioned.

The superintendent, building principals, assistant principals, and the school nurse may conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District code of conduct.

The principal or designees may conduct a search of student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. All District administrators will be trained annually in student search procedures and student rights.

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/she possesses physical evidence that he/she violated the law or the District code, or get the student to consent voluntarily to the search. Searches will be limited to the extent necessary to locate the evidence sought. If reasonable suspicion exists that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack and/or purse.

Student Lockers, Desks and other School Storage Places

The roles in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, computers 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, computers 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.

Documentation of Searches

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

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

The building principal or the principal's designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item(s) taken from a student. The principal or his/her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police or parent(s). The

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

Child Protective Services Investigations

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

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

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he/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 parental consent.

Visitors to the Schools

The building principal or his/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 main office 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 office and sign out 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 the class disruption is kept to a minimum.
5. Visitors are not to take class time or interrupt instruction to discuss individual matters with teachers.
6. Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

Public Conduct on School Property

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

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

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

Prohibited Conduct

The Board of Education prohibits the following conduct or acts on school property by students, teachers, staff members, licensees, or invitees:

1. The willful physical injury of any person or the threat to use force that would result in such injury.
2. The harassment or coercion of any person. Intimidation (verbally or otherwise), harassment, or discrimination against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability.
3. The willful damage to or destruction of property.
4. The willful disruption of the orderly conduct of classes or of any other school program or activity.

5. Unauthorized entry into any school building or upon any portion of the school premises.
6. The willful interference with the lawful and authorized activities of others.
7. The possession, consumption, or exchange of alcoholic beverages, unauthorized drugs, or narcotics on school property. Tobacco products are not allowed on school grounds by State law.
8. The use or brandishing of any tool or device in a threatening or potentially harmful or careless manner. Such devices may be confiscated and held indefinitely without compensation to the owner.
9. The violation of any federal or state statute, local ordinance, or board policy.
10. The refusal or failure of any person to comply with a lawful order or direction of an official of the School District in the performance of his/her duties.
11. The distribution or posting of any written material, pamphlets or posters without the prior written approval of the superintendent or building principal or designee.

Penalties and Enforcement

Any violation of the above shall be reported immediately to the building principal or designees. They will investigate the case thoroughly and make a written report to the superintendent as requested.

The principal and/or the superintendent will have the following options as to what penalty to impose:

- Option 1: Violators will be made aware of school policy.
- Option 2: Violators will be instructed to leave the school property immediately.
- Option 3: Police will be called and specific charges made under the proper penal code.
- Option 4: Any penalty authorized by Section 3214 of the Education Law or board policies, if the violator is a student, provided the provisions pertaining to notice and hearing have been met.
- Option 5: Any penalty authorized under section 3020-a of the Education Law, if the violator is a tenured teacher, provided the provisions pertaining to charges, notices, hearings, and findings have been complied with.

Option 6: Any penalty authorized under Section 3031 of the Education Law, if the violator is a non-tenured teacher or Section 75 of the Civil Service Law, if the violator is a non-teaching employee of the District, provided the provision pertaining to charges, notices, and hearings have been followed.

Other Penalties

These regulations and the penalties 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.

Dissemination and Review

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

1. Providing copies of the code to all 6th-12th grade students at the beginning of each school year and a summary of the code to all K-5th grade students at the beginning of each school year.
2. Making copies of the code available on-line or upon request from any building office.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.