

**CODE OF CONDUCT**  
**FOR THE EDGEMONT UNION FREE**  
**SCHOOL DISTRICT**

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# CODE OF CONDUCT

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# **CODE OF CONDUCT**

## **I. Introduction**

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

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

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

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

## **II. Definitions**

For purposes of this Code, the following definitions apply.

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

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

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

"Weapon" means a firearm as defined in 18 USC 921 for purposes of the Gun-Free School Acts. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, 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.

### **III. Student Rights and Responsibilities**

The Edgemont school community recognizes the need to model and promote those behaviors that are most supportive to learning. We expect our students to behave in a manner that promotes the principles of respect, safety, privacy, fairness, tolerance and cooperation. We expect students to treat others the way they want to be treated and accept responsibility for their actions. We recognize that students will need support and guidance to develop these behaviors. We urge students to ask for help from adults in the Edgemont school community.

#### **A. Student Rights**

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events 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.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Seek help in solving problems that might lead to discipline.
7. Dress appropriately for school and school functions.
8. Accept responsibility for their actions.
9. 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.

When students adhere to the responsibilities outlined above, they help to create an environment where each individual is treated with care and respect and the educational needs of all are supported.

#### **IV. Essential Partners**

##### **A. Parents**

All parents are expected to:

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

##### **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity.
2. Demonstrate concern for student achievement, social and emotional development.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Communicate academic and behavioral expectations to students and/or parents.
5. Communicate regularly with students, parents and other teachers concerning student achievement, social and emotional growth.

### **C. Guidance Counselors and/or School Psychologists**

All guidance counselors and/or school psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor-psychologist conferences and parent/teacher/student/counselor-psychologist conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

### **D. Principals and Assistant Principals**

All principals and Assistant Principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Communicate regularly with students, staff and parents.
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.

### **E. 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 administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

## **F. 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 its effectiveness and the fairness and consistency of its implementation.

## **V. Student Dress Code**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that brief garments are not appropriate.
3. Include footwear at all times.
4. Not include the wearing of hats in the elementary buildings except for a medical or religious purpose or for designated special events. At the Junior/Senior High School, the wearing of hats in the classroom will be at the prerogative of the classroom teacher.
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending items and, if necessary or practical, having parent replace 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.



## **VI. Prohibited Student Conduct**

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The conduct prohibitions set out below apply to conduct on school premises, to conduct at school activities and events wherever located, and to other off-premises conduct which directly relates to school operations, personnel or students as members of the school community.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, obscene, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act that disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - 7. Engage in dangerous horseplay.
  
- B. Engage in conduct that is insubordinate or disruptive. Examples include
  - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  - 2. Lateness for, missing or leaving school without permission.
  - 3. Skipping detention.
  
- C. Engage in conduct that is violent. Examples of violent conduct include
  - 1. Committing an act of violence (such as hitting, kicking, punching, biting and scratching) upon any other person lawfully on school property or at a school function, or attempting to do so.
  - 2. Possessing, displaying, using or threatening to use a weapon or what is intended to appear to be a weapon.

3. 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.
  4. Intentionally damaging or destroying school district property.
  5. Threatening to cause harm or damage to students or personnel or to school district property.
- D. Engage in any conduct that endangers the safety, morals, health or welfare of others or self. Examples of such conduct include
1. Lying to school personnel.
  2. Stealing school district property, the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Intimidation or harassment by, among other things, threatening to assault or injure another person; threatening to damage, destroy or remove any public or private property without authorization; or abusing any person through the use of "fighting words," such as profanity, personal insults, slurs based on race, religion, national origin, sex, sexual orientation or disability, or any other intimidating or harassing remarks that create a reasonable possibility of leading to a fight or substantial disruption or interference with the education, discipline or normal activities of the school.
  4. Acts of sexual harassment, including unwanted and inappropriate verbal, written or physical conduct of a sexual nature directed toward others. Further definitions of sexual harassment are available in the District's sexual harassment policy.
  5. Inappropriately using or sharing prescription or over-the-counter drugs.
  6. Gambling.
  7. Hazing, including but not limited to physical contact, incitement to other misconduct, or humiliation, in connection with initiation into or maintaining membership in any group.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Spitting.
  11. Possessing, or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  12. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  13. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  14. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs."
  15. Possession of drug paraphernalia.
- E. Engage in reckless driving or driving at an unsafe speed on school property.

- F. Engage in misconduct while on a school bus. Students must wear seat belts on school buses. It is crucial for students to behave appropriately and safely while riding on, waiting for, boarding and leaving school 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.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include
  - 1. Plagiarism.
  - 2. Cheating, including but not limited to representing someone else's work as one's own; using unauthorized oral or written assistance for a quiz, test or other assignment, illegally obtaining tests in advance, substituting for a test-taker, knowingly providing another student with the opportunity to cheat, and other forms of unauthorized collusion.
  - 3. Misusing computer/electronic communications in violation of the district's acceptable use policy.
  - 4. Altering school records.
  - 5. Assisting another student in any of the above actions.
  - 6. Unauthorized use of school district property or facilities for personal purposes.

## **VII. Reporting Violations**

The principal or equivalent person in charge of each school or school program shall have primary responsibility for determining whether a violation of this Code of Conduct has occurred. All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt manner. Teachers and other staff members who are aware of a violation must report the incident to the person in charge of each school or his/her designee for further investigation.

Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, classroom aide, the building principal, or the superintendent.

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.

The building principal or superintendent 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.

## **VIII. Disciplinary Penalties, Procedures and Referrals**

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

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

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

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

Students should be aware that their expectation of personal privacy is subject to limitations. In appropriate cases, student lockers, book bags and persons may be subject to search.

Students with disabilities may be disciplined for violations of this Code as set forth in Section X.

### **A. Penalties**

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

1. Warning – any member of the district staff.
2. Written notification to parent – teachers, assistant principals, principal,
3. Detention – teachers, assistant principals, principal.
4. Suspension from transportation – athletic director, assistant principals, principal.
5. Suspension of parking privileges.
6. Suspension from athletic participation (secondary level) – athletic director, assistant principal, principal. In addition, coaches have authority to enforce team rules.
7. Suspension from social or extracurricular activities – activity director in consultation with assistant principal, principal.
8. Suspension of other privileges - assistant principal, principal.

9. Removal from classroom by teacher – teachers, assistant principals, principal.
10. In-school suspension – assistant principal, principal, superintendent.
11. Short-term (five school days or less) suspension from school – principal, superintendent, board of education.
12. Long-term (more than five school days) suspension from school – superintendent, board of education.
13. Permanent suspension from school – superintendent, board of education.

## **B. Procedures**

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

### **1. Detention:**

Teachers, assistant principals and principals may use after school, before school or lunchtime detention as a penalty.

### **2. Suspension from transportation:**

If a student does not conduct himself/herself properly on a bus, the bus driver (or teacher/chaperone, as appropriate) is expected to bring such misconduct to the building principal's attention. After investigating the facts of the alleged misconduct, the building principal or his/her designee may, following a reasonable opportunity for the student and his/her parent to confer with the administrator about the misconduct and the penalty, suspend the student's riding privileges. In such cases, the student's parent will become responsible for seeing that the child gets to and from school safely.

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

### **3. Suspension from athletic participation, extra-curricular activities and other privileges:**

A student subjected to suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law 3214. However, the student and student's parent will be provided with a reasonable opportunity for an informal

conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension:

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building assistant principal, principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension".

"In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension, where students will receive substantially equivalent, alternative education, provided by appropriately certified personnel.

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 will be provided with a reasonable opportunity for an informal conference with the building principal or his/her designee to discuss the conduct and the penalty involved.

5. Disciplinary removal of disruptive student by a teacher:

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

A "disruptive student" means a student who is substantially disruptive of the educational process, or substantially interferes with the teacher's authority over the classroom, such as when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good classroom management techniques which may include traditional techniques such as "time out," sending a student to a counselor or sending a student to the principal's office. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to insure that other students continue to learn.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and supervision under the direction of the principal or designee until he or she is permitted to return to the classroom.

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 disciplinary removal form and meet with the principal or a designated administrator 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 is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within one school day after the student's removal, the principal or his/her designee 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 teacher and principal or his/her designee to discuss the reasons for the removal. The teacher who ordered the removal will attend the informal conference.

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 one school day of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting, which must be held within two school days of the student's removal, the student denies the charges, the teacher and/or the principal or his/her 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 timing of the informal meeting may be extended by mutual agreement of the parent and principal.

Within one day after the informal hearing, the principal or designee shall make a determination.

The principal or his/her designee may overturn the removal of the student from class if the principal finds any one of the following:

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

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.

Each teacher must keep a log 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, constitutes a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.**

Nothing in this Code abridges the right and responsibility of a principal to suspend a student pursuant to Education Law Section 3214. Further, nothing in this Code abridges the customary right and responsibility of the teacher to manage student behavior in the classroom. The removal process should not become a substitute for good classroom management.

6. Suspension from school:

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

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.



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

a) Short-term (5 days or less) suspension from school:

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses.

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 suspension may begin immediately. 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 or her decision.

b) Long-term (more than 5 days) suspension from school:

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a formal disciplinary hearing. At the hearing the student shall have the right to be represented by counsel, the

right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the board of education which will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the District Clerk within 10 business days of the date of the superintendent's decision. 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 applicable only to students over compulsory education age, and is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### **C. Minimum Periods of Suspension for Non-Classified Students**

The periods of suspension described below are minimum penalties for specific misconduct. As appropriate, longer periods of suspension may be imposed for such misconduct.

1. Students who bring a weapon to school:

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property, will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law 3214. The superintendent has the authority to modify the one-year suspension on a

case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a) The student's age.
- b) The student's grade in school.
- c) The student's prior disciplinary record.
- d) Whether other forms of discipline may be more effective.
- e) Input from parents, teachers and/or others.
- f) Other extenuating circumstances.

The Superintendent is also required to refer to the appropriate law enforcement authorities students 16 years old or older, or any student 14 or 15 years old who qualifies for juvenile offender status and who possesses a firearm on school grounds.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law 3214 (3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

## **IX. Alternative Instruction**

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

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

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

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

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

A "suspension" means a suspension pursuant to Education Law 3214(3)(a) and (d).

A "removal" means a removal of a student with a disability for disciplinary reasons from the student's current educational placement, other than a suspension, and the change in placement to an interim alternative

educational setting (IAES) ordered by an impartial hearing officer because the student's behavior is substantially likely to result in injury to the student or others or because the behavior involves weapons, illegal drugs or controlled substances.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a) The board, the superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in a violation of the Code that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c) The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d) The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline even when the Committee on Special Education has determined that the student's misconduct was a manifestation of his or her disability, up to 45 school days, if the student, while on school property or at a school

function, possesses a weapon or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance or inflicts serious bodily injury upon another person.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except... (for) a pocket knife with a blade of less than 2 ½ inches in length."
  - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy.
  - 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a) for more than 10 consecutive school days; or
  - b) for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal, unless the Committee on Special Education has determined that the behavior was not a manifestation of the student's disability, or the student is placed

in an IAES for behavior involving weapons, illegal drugs or controlled substances, or infliction of serious bodily injury upon another person.

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

1. The district's Committee on Special Education shall

- a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances, or infliction of serious bodily injury upon another person.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action to determine whether the student's conduct was (i) caused by or had a direct and substantial relationship to the student's disability or (ii) was a direct result of the school district's failure to implement the student's IEP, whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury upon another person, or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for special education services under

federal and state law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The Superintendent, in consultation with the Director of Special Services, shall be responsible for determining whether the student is a student presumed to have a disability.

- a) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt by the District of information supporting a claim that the district had knowledge the student was a student with a disability:
  - 1) the District has previously conducted an individual evaluation and determined that the student was not a student with a disability;
  - 2) the District has previously determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.
  - 3) the student's parent has not allowed the student to be evaluated; or
  - 4) the student's parent has refused IDEA services.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which may include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or infliction of serious bodily injury upon another person, or because maintaining the student in his/her current educational setting poses a risk



of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - a) The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

- 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to Law Enforcement and Judicial Authorities**

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

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

### **XI. 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:

- A. Protect oneself, another student, teacher or any persons from physical

- injury.
- B. Protect the property of the school or others.
  - C. 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.

## **XII. Visitors to the Schools**

The building principal or his or her designee is responsible for all persons in the building and on the grounds. 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 a school building must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class or extra help time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors to school buildings or school property are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XIII. 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.

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

## **A. Prohibited Conduct**

No person, either alone or with others, shall, while on school property or at a school function:

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

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection or removal by law enforcement officers.
2. School district employees shall be subject to immediate ejection and to further disciplinary action in accordance with applicable provisions of the Education Law, the Civil Service Law and applicable collective bargaining agreements.
3. Nothing in this Code of Conduct restricts the school district's remedies under applicable law and collective bargaining agreements to take disciplinary action against employees for acts or omissions, whether on or off school premises, which are a predicate for dismissal or other action.

## **C. Enforcement**

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code.

#### **XIV. DISSEMINATION AND REVIEW OF CODE OF CONDUCT**

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

1. Providing copies of a summary of the Code to all students at an assembly at the beginning of each school year.
2. Mailing a summary of the Code written in plain language to all parents of District students before the beginning of the school year and making this summary available later, upon request.
3. Providing all current teachers and other staff members with a copy of the Code and any amendments thereto as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code when they are first hired.
5. Filing a copy of the Code in each school building, where it will be available for review by students, parents and other community members, upon request.

The board will sponsor an in-service education program for district staff members to ensure the effective implementation of the Code. The board will review the Code annually in order to consider its effectiveness and the fairness and consistency of its implementation, and will update it as necessary.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education not later than 30 days after adoption by the Board.