

# Massapequa Public Schools

## CODE OF CONDUCT

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Adopted – 6/21/01

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6/21/12, 6/20/13, 6/19/14, 6/18/15, 6/15/17, 6/20/19, 6/18/20, 6/3/21,  
6/16/22, 6/6/24

[www.msd.k12.ny.us/codeofconduct](http://www.msd.k12.ny.us/codeofconduct)

## SUMMARY OF REVISIONS

7/11/02

- 5300.25 E. 12 – add “Possessing drug paraphernalia”
- 5300.35 A – revise to “temporary or permanent suspension of other privileges”
- 5300.35 D.2 – revise to “under the age of 16”
- 5300.70 A. 1 – revise to current

language 8/7/03

- 5300.25 E – Add # 6 re. Bullying

6/24/04

- 5300.20 7 – revise to current language
- 5300.25 E. 6 – revise to include “written” and second sentence
- 5300.25 E. 17 – revise to current language
- 5300.25 F – revise last sentence to current language

7/7/05

- 5300.25 E – add # 18

7/6/06

- 5300.20 #3, 4, & 6 – revise to current language
- 5300.25 E. 5 – revise to include “sexual harassment”
- 5300.25 E. – add “possession of stolen property” as new # 3
- 5300.30 – revise third paragraph to current language
- 5300.65 A.12 – revise to note “illegally gambling”
- 5300.70 A. – revise to current language

10/5/06

- 5300.20 5 – revise grade levels

6/7/07

- 5300.01 – revise last paragraph to current language
- 5300.05 – revise definition of “School Function” to current language
- 5300.05 – add reference for definition of “Weapon”
- 5300.25 C.2 – revise to current language
- 5300.25 D.1&2 – revise to include, “threatening to do so”
- 5300.25 E.11 – revise to include “demeaning” • 5300.25 E. – add #20
- 5300.25 – add H.

6/19/08

- 5300.25 D.1 & 2 –revise to include, “or assisting in”

6/18/09

- 5300.25 B.3 – change to B.4
- 5300.25 – add new B.3 - Cutting classes.
- 5300.25 D.1&2 – revise to include, “choking”
- 5300.25 F – revise to current language

6/21/12

- Updated language regarding Dignity for All Students Act
- 5300.25 E.14. – revise to include reference to “synthetic cannabinoid

6/20/13

- 5300.25 E. 6, 5300.30, 5300.35 - Updated language regarding Dignity for All Students Act
- 5300.25 C. 2 – revise to include reference to “image capture and/or playback”
- 5300.25 E. 13 – revise to include reference to smoking/tobacco substitutes
- 5300.70 A. 3,4 – revise to include reference to “access to” the code

6/19/14

- 5300.25 A. 3. – Added “offensive”
- 5300.25 E. 6. – Added reference to, “cyberbullying, discrimination” and “(iv) online”

6/18/15

- 5300.25 E. 13. – Added “vapor pens”

6/15/17

- 5300.25 E. 13. – revise to include reference to “possessing, consuming, selling, distributing...” 6/20/19
- 5300.25 E. 13. – revise to include specific language to “Possessing, consuming, selling, distributing, or exchanging cigarettes, cigars, pipes, chewing or smokeless tobacco or smoking/tobacco/nicotine substitutes, electronic cigarettes or vapor pens/devices **and/or paraphernalia.**”
- 5300.20 5. – adjust Dress Code to further define/enhance guidelines regarding “headwear.”
- 5300.10 B. 12. – Added “To enhance student safety and school security, all students (grades 6-12) are required to wear their grade-level specific lanyard with their student-issued identification card attached. Lanyards must be worn around the neck so that the identification is clearly visible. Failure to comply may result in disciplinary consequences.”

6/18/20

- 5300 - Code of Conduct Introduction: Amend Paragraph 3 to read: “The Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, *or when engaging in distance learning*, 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.”
- 5300.25 – Add I. Distance Learning Environment to Prohibited Student Conduct: “Engage in behavior or academic misconduct in a distance learning environment that violates any aspect of prohibited student conduct as outlined in this Code of Conduct.”

6/6/2024

- 5300.10- Students Rights and Responsibilities - A. Student Rights - A-2- add “which may include a written statement.”
- 5300.15- Essential Partners- A. Parents - A-14- add “Follow the [Massapequa School District- Chain of Communication for Parents/Guardians](#)”
- 5300.15- Essential Partners- G. Dignity Act Coordinators - G-5-a.-i.- add the names of elementary assistant principals, secondary executive assistants, and secondary deans.
- 5300.20- Students Dress Code - 1-7 - Revise parts 1-7 of the student dress code to reflect the updated language.
- 5300.25- Prohibited Student Conduct- A. Engage in conduct that is disorderly- A-7- add “cell phones and smartwatches”
- 5300.25- Prohibited Student Conduct- D. Engage in conduct that is violent - D-1- add “pushing”; D-2- add “pushing”
- 5300.25- Prohibited Student Conduct- E. Engage in any conduct that endangers the safety...E-6- add “or employee”
- 5300.25- Prohibited Student Conduct- E. Engage in any conduct that endangers the safety... E-8- add “social media gaming platforms”
- 5300.25- Prohibited Student Conduct- E. Engage in any conduct that endangers the safety...
  - E-12- change wording to “Using language or gestures that are profane, lewd, vulgar, abusive, or offensive”
- 5300.35- Disciplinary Penalties, Procedures, and Referrals - B. Procedures -1;2;3;4;6- change language from “penalty” to “consequence”

## INTRODUCTION

### 5300: Code of Conduct

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district staff may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district staff, 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 and at school functions, or when engaging in distance learning, 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.

Unless otherwise indicated, this code applies to all students, District staff, parents and other visitors at all times on all days when on school property or attending a school function.

### 5300.05 DEFINITIONS

**For purposes of this code, the following definitions apply.**

1. **“Discrimination”** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. **“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.
3. **“District Staff” or “Employee”** means any individual appointed by the Board of Education to provide a service to the District.
4. **“Gender”** refers to actual or perceived sex and includes a person’s gender identity or expression.
5. **“Gender Expression”** is the manner in which a person represents or expresses gender to

others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

6. **“Gender Identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
7. **“Harassment”** means the creation of hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. (Education Law § 11 [7])
8. **"Parent"** means parent, guardian or person in parental relation to a student.
9. **“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality
10. **“School Bus”** means every motor vehicle owned by the District and operated for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation by the District for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school activities.
11. **"School Function"** means any school-sponsored extracurricular event or activity, either on or off school property, during and/or outside of the school day.
12. **"School Property"** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, at locations used for school sponsored events, or in or on a school bus.
13. **"Violent Student"** means a student under the age of 21, or a student over the age of 21 who is still enrolled in District schools who:
  - a. Commits an act of violence upon a District employee, or attempts to do so.
  - b. 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.
  - c. Possesses, while on school property or at a school function, a weapon.
  - d. Displays, while on school property or at a school function, what appears to be a weapon.
  - e. Threatens, while on school property or at a school function, to use a weapon, or threatens violence.

- f. Knowingly and intentionally damages or destroys the personal property of any District staff, or any person lawfully on school property or at a school function.
  - g. Knowingly and intentionally damages or destroys school district property.
14. **"Weapon"** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act, and a dangerous weapon as defined in USC §930 (g)(w) for the purpose of Discipline for Students with Disabilities. 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 cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
- a. Ref. US Code at <http://uscode.house.gov>

## **5300.10 STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights**

The district is committed to safeguarding the rights given to all students under state and federal law, including the “Dignity for All Students Act”, and District Policy. In addition to providing all district students with a safe, nurturing, supportive, healthy, orderly and civil school environment free from discrimination, intimidation, taunting, harassment and bullying on school property, on a school bus, or at a school function all district students have the right to:”

1. Have the opportunity to take part in all district activities free of prohibited discrimination and harassment in conformity with the law, regardless of actual or perceived race, color, creed, weight, national origin, religion, religious practice, ethnic group, sex, gender, sexual orientation or disability.
2. Present their version of the relevant events to District staff authorized to impose a disciplinary penalty in connection with the imposition of the penalty, which may include a written statement.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school staff.

## **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive 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 District staff in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves appropriately 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.
12. To enhance student safety and school security, all students (grades 6-12) are required to wear their grade-level specific lanyard with their student-issued identification card attached. Lanyards must be worn around the neck so that the identification is clearly visible. Failure to comply may result in disciplinary consequences.

## **5300.15 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 so that their children can help create a safe, supportive school environment.



8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform District officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Participate in school activities/programs to the greatest extent possible.
14. Follow the [Massapequa School District- Chain of Communication for Parents/Guardians](#)

## **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight, national origin, religion, religious practice, ethnic group, sex, gender, sexual orientation or disability, 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 deadline
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Develop classroom routines that support school rules and regulations.
8. Work closely with support staff in order to assist students exhibiting disruptive behavior as defined in subsection 5300.05.
9. Inform administration of students exhibiting disruptive behavior and keep administration apprised of developments.
10. Report incidents of discrimination and harassment/bullying that are witnessed or otherwise brought to the teacher's attention in a timely manner.

### **C. Pupil Personnel Services**

Pupil Personnel staff 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 conference, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Provide to staff essential information on the needs of individual students.
7. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight, national origin, religion, religious practice, ethnic group, sex, gender, sexual orientation or disability.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, District employee or any person who is lawfully on school property or at a school function.
9. Maintain confidentiality in accordance with federal and state law.

### **D. Building Administration**

Building Administration is expected to:

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

4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Provide support in the development of the code of conduct, when called upon.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, District employee or any person who is lawfully on school property or at a school function.
8. Maintain confidentiality in accordance with federal and state law.

#### **E. Superintendent**

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs, which promote appropriate conduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, District employee or any person who is lawfully on school property or at a school function.

#### **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 staff to develop a Code of Conduct that clearly defines expectations for the conduct of students, district staff 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, courteous manner.
4. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

5. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, District employee or any person who is lawfully on school property or at a school function.

## **G. Dignity Act Coordinators**

Dignity Act Coordinators are expected to:

1. Promote a safe, orderly and stimulating school environment supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religions practice, disability, sexual orientation, gender or sex.
2. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
3. Be responsible to monitoring and reporting on the effectiveness of the District's bullying prevention efforts.
4. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, District employee, or any person who is unlawfully on school property or at a school function.
5. The Dignity Act Coordinators for each school are identified as the following:
  - a. Birch Lane – 516-308-5100
    - Building Principal – S. Aspetti
    - Assistant Principal- J. Larkin
  - b. East Lake – 516-308-5200
    - Building Principal – T. McKillop, III
    - Assistant Principal- M. Velte
  - c. Fairfield – 516-308-5300
    - Building Principal – K. Gerhard, Ed.D.
    - Assistant Principal- M. Pavlick
  - d. Lockhart – 516-308-5400
    - Building Principal – M. DeLuca
    - Assistant Principal- L. Vecchione
  - e. McKenna – 516-308-5500
    - Building Principal – A. Lowry, Ed.D.
    - Assistant Principal- M. Ferraro
  - f. Unqua – 516-308-5600
    - Building Principal – D. Catapano
    - Assistant Principal- L. Hulsaver
  - g. Berner MS – 516-308-5700
    - Building Principal – J. Esposito
    - Executive Assistants- B. Mullins; Keri Wing
    - Deans- K. Meoli, R. Tucker
  - h. MHS – Ames Campus – 516-308-5800
    - Building Principal – T. Willman
    - Executive Assistant- D. Kennedy

i. MHS – Main Campus – 516-308-5900

- Building Principal – B. Lowell
- Executive Assistants- M. Brzezinski; D. Murphy
- Deans- J. Musmacker; Kenneth Wing

## **5300.20 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 staff 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 shall:

1. Be safe, appropriate for school, and not disrupt or interfere with the educational process.
2. Not include items that are vulgar, obscene, suggestive, libelous, or denigrate others on account of actual or perceived race, color, religion, religious practice, creed, national origin, gender, ethnic group, sexual orientation, weight or disability.
3. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities. This includes, but is not limited to, clothing, jewelry, hats, emblems, and badges that, by virtue of color, arrangement, trademark, or attribute, are associated with or denotes membership in or affiliation with any group or organization that promotes illegal behavior or behavior that is a violation of the District's Code of Conduct.
4. Recognize that extremely brief garments and see-through garments are not appropriate. Ensure that underwear is completely covered with outer clothing.
5. Include footwear at all times. Footwear that is a safety hazard, including, but not limited to footwear with wheels, will not be allowed.
6. In grades 6-12, any headwear that is considered a distraction to the educational setting, or is deemed to, in certain circumstances, limit the ability of the student to be identified, may be prohibited at the discretion of the teacher or building administrator.

The district shall inform students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an

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

## **5300.25 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 staff 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 staff who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended for this purpose and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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 but are not limited to:**
1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar, abusive, or offensive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act, which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted on school property, other than the school they regularly attend, without permission from the administrator in charge of the building.
  7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; cell phones and smartwatches; or any other violation of the district's Acceptable Use Policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:**
1. Failing to comply with the directions of teachers, school administrators or other

- District staff or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Cutting classes.
4. Failing to attend detention.

**C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:**

1. Failing to comply with the directions of teachers, school administrators or other District staff.
2. Use of electronic communication, entertainment, and music devices, including but not limited to cellular phones, pagers, audio/video/image capture and/or playback devices, without prior consent from the Principal or his/her designee.

**D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:**

1. Committing or assisting in an act of violence (such as hitting, kicking, punching, choking, pushing and scratching) upon a teacher, administrator or other District employee, threatening to do so or attempting to do so.
2. Committing or assisting in an act of violence (such as hitting, kicking, punching, choking, pushing and scratching) upon another student or any other person lawfully on school property, threatening to do so or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials and District security are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon or violence upon any person.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

**E. Engage in any conduct that endangers the safety, morals, health or welfare of self or others. Examples of such conduct include but are not limited to:**

1. Lying to District staff.
2. Stealing the property of other students, District staff or any other person lawfully on school property or attending a school function.
3. Possession of stolen property.
4. Defamation, which includes 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.
5. Discrimination, which includes discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

6. Harassment, bullying, cyberbullying and/or discrimination against any student or employee, or the creation of a hostile environment by conduct or by threats, intimidation or abuse, that either: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, and/or physical well-being, that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or cause a student to fear for his or her physical safety. Such conduct shall include acts of harassment, bullying, cyberbullying and/or discrimination that occur: (i) on school property (ii) at a school function; (iii) off school property; or (iv) online where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct, threats, intimidation or abuse might reach school property.
7. Sexual Harassment, which includes unwanted and unwelcome behavior of a sexual nature that interferes with a student's ability to learn, study, achieve, or participate in school activities. It may result from words or behavior of a sexual nature that offend, stigmatize, demean, frighten or threaten a person because of his or her sex. Examples of sexual harassment include, but are not limited to: touching and grabbing body parts, sending sexual notes, writing sexual graffiti, spreading sexual rumors, sexting, being forced to do something sexual, and sexual assault.
8. Bullying, which includes the intentional targeting by a student/students of an individual (or group) using physical, verbal, written, and/or psychological aggression with the intent to dominate the victim/s. This also includes, but is not limited to cyber bullying/harassment which involves the use of information and communication technologies including, but not limited to, e-mails, telephone and text messaging, instant messaging, social media, gaming platforms,, internet, defamatory online personal polling web sites, and sexting to support deliberate, repeated, and hostile behavior by a student/students, that is intended to harm others.”
9. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
10. Hazing, which includes 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. Hazing includes, but is not limited to: being physical abused, being yelled, cursed or sworn at, deprivation of food, sleep or cleanliness, shaving yourself or others, destroying or vandalizing property, being exposed to extreme cold or heat, and any use of alcohol and/or drugs.
11. Selling, using or possessing obscene material/
12. Using language or gestures that are profane, lewd, vulgar, abusive, or offensive.



13. Possessing, consuming, selling, distributing, or exchanging cigarettes, cigars, pipes, chewing or smokeless tobacco or smoking/tobacco/nicotine substitutes, electronic cigarettes or vapor pens/devices and/or paraphernalia.
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, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
15. Possessing drug paraphernalia.
16. Inappropriately using or sharing prescription and over-the-counter drugs.
17. Illegal gambling activities.
18. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
19. Initiating a report/warning of fire, bomb, or other catastrophe without valid cause, misuse of 911, or tampering with or improper use of safety equipment including, but not limited to fire extinguishers, security devices, and automated external defibrillators.
20. Possessing a pocketknife with a blade measuring less than 2 1/2 inches and which is not a "weapon" as defined as section 5300.05 of the Code of Conduct, or other sharp bladed device.
21. Arson.

**F. Engage in misconduct while on a school bus or school-sponsored transportation.**

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 and at bus stops in a manner consistent with established standards for classroom behavior. Conduct described in paragraphs A. through E. of this section including, but not limited to excessive noise, shoving, fighting or using profane language or gestures will not be tolerated. Students must remain seated at all times while the bus is moving.

**G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:**

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

**H. Engage in off-campus conduct that may endanger the health and/or safety of pupils within the educational system or adversely affect the educational process.**

**I. Engage in behavior or academic misconduct in a distance learning environment that violates any aspect of prohibited student conduct as outlined in this Code of Conduct.**

## **5300.30 REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All District staff are expected to promptly report violations of the Code of Conduct to the appropriate individuals within their school. All District staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner.

Any weapon, alcohol, illegal substance, or other material(s) that violate(s) law or the Code of Conduct shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The 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 in a timely fashion. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

School employees who witness harassment, bullying, cyberbullying and/or discrimination or receive an oral or written report of such acts, must verbally notify the Principal, Superintendent or their designee, not later than one (1) school day after receiving a report of such acts, and file a written report with the Principal, Superintendent, or their designee no later than two (2) school days after making such verbal report. The Principal, Superintendent or their designee must lead or supervise the thorough investigation of all reports of harassment, bullying, cyberbullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.

When an investigation verifies a material incident of harassment, bullying, cyberbullying and/or discrimination, the Superintendent, Principal, or their designee must take prompt action, reasonably calculated to end the harassment, bullying, cyberbullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

The Principal, Superintendent, or their designee must promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, cyberbullying and/or discrimination constitutes criminal conduct.

The Principal must report to the Superintendent, at least one (1) time during each school year, on the data and trends related to any harassment, bullying, and/or discrimination.

## **5300.35 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs. District staff 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, District staff authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Regarding responding to acts of harassment, bullying, cyberbullying and/or discrimination which incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies, and procedures that make appropriate use of prevention, education intervention and discipline. The aforementioned procedures must ensure that consideration be given to, among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses should be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In accordance with federal and state laws and regulations, additional procedures must be followed when suspending, removing or otherwise disciplining a student with a disability. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and/or the 504 Committee and discipline, if warranted, shall be administered consistent with the requirements of this Code of Conduct for disciplining students with a disability (Subsection 5300.45).

## **A. Consequences**

Students who are found to have violated the district's Code of Conduct may be subject to, but not limited to the following penalties, either alone or in combination:

- Oral Warning
- Written warning
- Detention
- Lunch Detention
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Temporary or permanent suspension of other privileges
- In-school suspension
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the penalty being imposed. In all cases, regardless of the consequence imposed, the District staff authorized to impose the consequence 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 District staff imposing the disciplinary consequence in connection with the imposition of the consequence.

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

### **1. Detention**

Teachers, Building Administration and the Superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a consequence only after the student has been given 24 hours notice unless the parent has verbally agreed to waive 24 hours notice before detention is served.

### **2. Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus or other school-sponsored transportation, the bus driver or transportation operator is expected to bring such misconduct to the attention of the Building Administration. Students who become a serious disciplinary

problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent/guardian will assume responsibility for his/her child's safe transportation to and from school.

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 Principal or the Principal's designee to discuss the conduct and the consequence involved.

### **3. Suspension from Athletic Participation, Extra-curricular Activities and Other Privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the ~~penalty~~ consequence-involved.

Ref. – 5305.1: Eligibility for Extracurricular Activities

### **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 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."

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 parents 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 consequences 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 effective classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other pupil personnel staff 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 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 with the student 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 to the teacher 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 parent, 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 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 parent. 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.

Upon reasonable notice, the teacher who ordered the removal will attend the informal conference unless requested otherwise by building administration.

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 and Principal.

The Principal or his/her designee may reverse 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 reverse 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.

Any disruptive student removed from the classroom by the classroom teacher will be supervised by a member of the professional certificated staff and shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete 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, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified 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 consequence 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 Principals.

Any staff member may recommend to the Superintendent or Principal that a student be suspended. All staff members must immediately report and refer a violent student 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 (five days or less) Suspension from School**

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

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 of Education within 30 days of the decision.

#### **b. Long term (more than five days) Suspension from School**

When the Superintendent or Principal 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 or her and the right to present witnesses and other evidence on his or her behalf.

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

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 of Education within 30 days of the decision.

#### **c. Permanent Suspension**

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

#### **C. Minimum Periods of Suspension**

In accordance with federal and state laws and regulations, additional procedures must be followed when suspending, removing or otherwise disciplining a student with a disability. Please refer to Subsection 5300.45 of this Code of Conduct for specific information on the discipline of students with disabilities to be read in conjunction with this subsection.

## **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:

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.

## **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. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student, 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 two 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. If the proposed penalty is the minimum five- day suspension, the student and the

student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long term suspension. The Superintendent has the authority to modify the minimum five- day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

## **D. Referrals**

### **1. Counseling**

Pupil Personnel staff 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 16 who demonstrates that he or 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 possesses marijuana in violation of Penal Law § 221.05. A single violation of § 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.

## **5300.40 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.

## **5300.45 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 have certain procedural protections whenever District 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.

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

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 District staff 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 district (BOCES) Superintendent of Schools or a 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 nondisabled 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 behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non- disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent 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, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w).
    - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health- care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
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 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. District staff 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.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

**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.

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, 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.
  - a. The Superintendent, Principal or other District official responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

purposes shall remain in the educational placement determined by the District, which can include suspension.

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 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 District staff 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 District staff 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 District staff 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 District staff 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.

## **5300.55 STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any District 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 District officials, nor are District officials required to contact a student's parent before questioning the student. However, District officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, Building Principals, and their designees to conduct searches of students and their belongings if the authorized District 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.

Reasonable suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon the pupil's age, history and record in school, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search, and the probative value and reliability of information used as justification for the search.

The request for a search of a pupil or a pupil's possessions shall be directed to the Principal or his/her designee, who shall attempt to obtain either an admission from the pupil of possession of material that violates law and/or the District Code of Conduct or a voluntary consent to the search. The search shall be limited to the extent necessary to locate the evidence sought.

Whenever practical, the search should be conducted in the privacy of administrative offices in the presence of another school district professional employee. The student should be present when his/her possessions are being searched.

A minimally intrusive search, such as touching the outside of a book bag, may be conducted without reasonable suspicion by professional District staff and authorized employees, so long as he/she has reason for the search.

### **A. Student Lockers, Desks and other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and District officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by professional District staff and authorized employees without prior notice to students and without their consent.

## **B. Documentation of Searches**

In the event a search reveals a violation of the Code of Conduct, the authorized District official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person(s) conducting search, his/her title(s) and position(s).
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 Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

## **C. Police Involvement in Searches and Interrogations of Students**

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

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

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

Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

#### **D. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of District 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 Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a District official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a signed court order or properly completed 10-24 Emergency Removal Form.

### **5300.60 VISITORS TO THE SCHOOLS**

The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal or designated area 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 sign out and return the identification badge before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, may not be required to register.
4. Individuals wishing to visit classrooms while school is in session must arrange such visits in advance and receive approval from the Principal or his/her designee.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his/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.

## **5300.65 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 staff.

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

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

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, student, 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. Unlawfully intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, national origin, religion, religious practice, age, gender (identity or expression), sex, sexual orientation, weight, 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, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Illegally gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

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

When the 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 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.

## **5300.70 DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing to students a summary of the Code of Conduct using age-appropriate methods by September 3<sup>rd</sup> of each school year.
2. Providing a plain language summary to all parents of district students at the beginning of the school year and making this summary available later upon request.
3. Providing all current teachers and other staff members access to the code and any amendments to the code as soon as practicable after adoption.
4. Providing all new employees access to the current Code of Conduct when they are first hired.
5. Making the Code of Conduct available to students, parents of students and other community members.
6. Posting the complete Code of Conduct on the District's website.
7. Posting the name, designated school building and contact information of each Dignity Act Coordinator in the plain language summary of the Code of Conduct.
8. Including the name, designated school and contact information of each Dignity Act Coordinator in at least one district or school mailing per year to parents and persons of parental relation, and if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter.
9. Posting the name, designated school building and contact information of each Dignity Act Coordinator in highly visible areas of school buildings.
10. Making the name, designated school and contact information of each Dignity Act Coordinator available at the district and school level administrative offices.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding inservice programs pertaining to the management and discipline of students. Ongoing professional development will be included in the District's professional development plan, as needed.

### **B. Review of Code of Conduct**

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

The Board may appoint an advisory committee to assist in reviewing the code and the District's response to Code of Conduct violations. The committee will be made up of representatives of



student, teacher, administrator, and parent organizations, school safety personnel and other District staff.

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

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