

# Clarence Central School District

*Together We Make Learning a Way of Life*



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# Code of Conduct

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# **CCSD CODE OF CONDUCT**

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## **I. INTRODUCTION**

Appropriate behavior in public settings is a requirement of life for members of any society. Public schools are instruments of society. Their purpose is to educate children and young adults of that society to become responsible, contributing members of the community.

It is our belief that proper and appropriate behavior and a safe, orderly, predictable environment are essential to the success of a school. To that end, it is our obligation to encourage, teach, and promote self-discipline, personal responsibility, dignity, and a respect for the rights and property of others.

It is the duty of the school district to formulate a Code of Conduct that serves to educate and protect all members of the school community. This code should state appropriate behavior and fair consequences for inappropriate behavior. This code should conform to the standards and beliefs of the state and the community in which we live. It should address the major areas of appropriate student conduct as well as include flexibility that recognizes the differences in every situation. It should allow for an interpretation of the rules by an administrator that is appropriate to each situation at all grade levels. This code should encourage the creation of an optimal environment for teaching and learning.

It is the responsibility of the school board to interpret the values and standards of the community that should be reflected in the schools. It is the responsibility of the superintendent to implement the policies established by the board of education within the guidelines of State Education Law. It is the responsibility of each building principal to provide a climate in his/her building that encourages learning. It is the responsibility of each teacher, as the primary representative of the district with his/her students, to provide a safe, fair and orderly classroom environment. It is the responsibility of each student to conduct himself/herself with dignity, self-discipline, and respect for the values of society and its members.

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function. As a guideline, the code may not cover every situation that occurs, every degree of behavior, or every variation in every given disciplinary encounter. It is noted that any behavior that is illegal, which interferes with the learning of others, or that compromises the safety of any member of the school community is considered a violation of the code, whether or not specified in the code.

It is the desire of the Board of Education of the Clarence Central School District that this Code of Conduct clarifies and encourages appropriate behavior, helps insure the safety and security of all members of the school community, and promotes an educational climate that advances teaching and learning.

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

- **Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.
- **Disruptive student** means an elementary or secondary student under the age of 21 who is substantially disruptive to the educational process or substantially interferes with the teacher's authority in the classroom.
- **Employee** means any person receiving compensation from a school district or employee of a contracted service provided or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article give of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
- **Gender** means actual or perceived sex and includes a person's gender identity or expression.
- **Harassment** means the creation of a 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 wellbeing; 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.
- **Bullying** means unwanted aggressive behavior that involves a real or perceived imbalance of power. The behavior is repeated, or has the potential to be repeated, over time.
- **Parent** means parent, guardian, or person in a parental relation to a student.
- **Sexual orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality.

- **School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.
- **School property** means in or within any building, structure, athletic playing field playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- **Slander** means the action or crime of making a false spoken statement damaging to a person's reputation.
- **School function** means any school-sponsored extracurricular event or activity.
- **Violent student** means a student under the age of 21 who:
  1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.
  3. Possesses, while on school property or at a school function, a weapon.
  4. Displays, while on school property or at a school function, what appears to be a weapon.
  5. Threatens, while on school property or at a school function, to use a weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys school district property.
- **Weapon** means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### III. STUDENT RIGHTS AND RESPONSIBILITIES

**With every right comes a responsibility.**

*It is the student's right:*

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

*It is the student's responsibility:*

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities and conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

## **IV. ROLE OF ESSENTIAL PARTNERS**

Expectations for member groups of the school community include, but are not limited to:

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child is a joint responsibility of parents and the school community.
2. Send their child to school ready to participate, contribute, and learn.
3. Ensure their child attends school regularly and arrives on time.
4. Ensure absences are minimal and for reasons that are legally excusable.
5. Ensure their child is dressed and groomed in a manner consistent with the student dress code and conducive to learning.
6. Work collaboratively with teachers and administrators to teach their child that in a democratic society, appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their child understand them.
8. Convey to their child a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents, and their child's friends.
10. Assist their child in dealing with peer pressure. Work collaboratively with teachers and administrators to teach their child about the ramifications of destructive peer pressure and teasing.
11. Inform school officials of changes in the home environment that may affect student conduct or performance.
12. Provide a place for study. Ensure that homework assignments are completed, and assist their child in learning the skills necessary to be organized, prepared learners.
13. Encourage their child to participate in extracurricular activities and offer support in that endeavor.
14. Model behavior that is free from harassment or discrimination.
15. Exemplify conduct that fosters civility, kindness, and acceptance towards all people regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

## **B. Teachers**

All district teachers are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
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. Continue with professional growth and learning; gain expertise with new techniques and content materials.
6. Model and conform to guidelines stipulated in Section V, Student Dress Code.
7. Maintain a learning environment that is free from harassment and/or discrimination.

Communicate to students and parents information about:

8. Provide course objectives and requirements
9. Provide marking/grading procedures
10. Provide assignment deadlines
11. Provide expectations for students
12. Provide classroom discipline
13. Communicate regularly with students, parents, and other teachers concerning academic growth, achievement, and student progress.

## **C. Student Support Service Personnel**

All district school counselors and school psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Regularly review with students their educational progress and provide information about career planning.
3. Provide information to assist students in need of academic support services.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Arrange meetings with groups of students who may be involved with conflict in order to solve and mediate problems.
6. Support educational and academic goals.
7. Know school rules, abide by them and enforce them in a fair and consistent manner.

8. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### **D. Other School Staff**

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **E. Dignity for All Students Act Coordinators (DACs)**

All district Dignity Act Coordinators (at least one per building) are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender.
3. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.
4. Accept reports regarding violations and conduct investigations as appropriate.

## **F. Principals/District Administrators**

All district principals and administrators are expected to:

1. Promote a safe, orderly, and stimulating school environment that supports teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and/or approach the principal for redress of grievances.
3. Evaluate instructional programs and personnel on a regular basis.
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. Support and encourage an active Parent Teacher Organization in order to work together for the benefit of children.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

## **G. Superintendent**

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment that supports active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

## **H. Board of Education**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, parent organizations, school safety personnel, and other school personnel to develop a code of conduct that clearly defines expectations for the behavior of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review, at least annually, the district's code of conduct in order to evaluate its effectiveness, fairness, and consistency of implementation.
3. Conduct Board of Education meetings in a professional, respectful, courteous manner, thus leading by example.
4. Adopt policies to provide students with a school environment free of harassment and/or discrimination.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

## **V. STUDENT DRESS CODE**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as short skirts and shorts, tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or headwear in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

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

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

## **VI. STUDENT USE OF ELECTRONIC DEVICES**

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunication or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. This includes, but is not limited to, taking unauthorized photos of others and/or social media postings. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner. Building principals will develop guidelines for the acceptable use of electronic/telecommunication devices that are appropriate for each building.

## **VII. PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner and to show proper regard, dignity, and respect for the rights and welfare of others, including students, district personnel, and members of the school community. The Board of Education also expects proper care of school facilities and equipment.

The best discipline is self-imposed. Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board of Education recognizes the need to make its expectations for student conduct specific and clear. These rules of conduct focus on safety and respect for the rights and property of others. Students who do not accept responsibility for their own behavior and violate these school rules will be required to accept the penalties for their conduct.

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

### **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, or abusive.
4. Obstructing vehicular or pedestrian traffic.

5. Engaging in any willful act that disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Misusing computer/electronic communications, including any unauthorized use of computers, software, or Internet/intranet account; accessing inappropriate web sites; any other violation of the district's acceptable use policy; or evading the District's content filter; using an outside wireless network.
8. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

**B. Engage in conduct that is insubordinate.**

Examples of insubordinate conduct include, but are not limited to:

1. Failure to comply with the reasonable directions of teachers, school administrators, and other school employees in charge of students, or otherwise demonstrating disrespect.
2. Excessive tardiness or absenteeism.
3. Leaving school without permission.
4. Skipping detention.

**C. Engage in conduct that is disruptive.**

Examples of disruptive conduct include, but are not limited to:

- 1) Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrating disrespect.
- 2) Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

**D. Engage in conduct that is violent.**

Examples of violent conduct include:

1. Committing or attempting to commit an act of violence, such as hitting, kicking, punching, or scratching any person who is lawfully on school property.

2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of other students, teachers, administrators, other district employees, or any person who is lawfully on school property.
6. Intentionally damaging or destroying school district property.
7. Engaging in harassing 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.
8. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

**E. Engage in any conduct that endangers the safety, morals, health, or welfare of others.**

Examples of such conduct include, but are not limited:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
3. Defaming others. This includes making a false or privileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
4. Bullying or cyber bullying. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
5. Discriminating or harassing any student or staff member that creates a hostile environment by conduct or by verbal threats, intimidation or abuse, of such a severe nature that: (a) has or would have the effect of reasonably interfering with a student's education performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (b) reasonably causes or would reasonably be

expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is not limited to threats, intimidation or abuse based on a person's actual or perceived race, color, weight, physical stature, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

6. Sexual Harassment. This includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
7. Intimidation. This includes engaging in actions or expressing statements that put an individual in fear of bodily harm.
8. Hazing. This 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.
9. Selling, using, or possessing obscene material.
10. Using vulgar or abusive language, cursing, or swearing.
11. Smoking or possession of any product including the use of e-cigarettes, atomizers or any other similar device whether or not nicotine is present.
12. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "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."
13. Inappropriately using or sharing prescription and over-the-counter drugs or medications.
14. Gambling.
15. Exposing parts of the body that are considered private in a manner that could be interpreted to be lewd or indecent.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**F. Engage in misconduct while on a school bus.**

Students are required to conduct themselves on a school bus in a manner consistent with established standards. Excessive noise or actions like pushing, shoving, harassment, discrimination, and fighting will not be tolerated.

### **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.
6. Use or possession of an electronic device to promote or aid any of the aforementioned forms of academic misconduct.

### **H. Misuse Electronic/Telecommunication Devices**

Any use of telecommunication devices anywhere in school buildings during normal school hours without administrative approval is prohibited. Telecommunication devices shall include, but not be limited to cellular telephones, wearable devices, tablets and walkie talkies.

### **I. Misuse Technology**

Students are required to follow all regulations stipulated in the District Acceptable Use Policy for Technology.

## **VIII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal, or 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 building principal, the principal's designee, or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff who are not authorized to impose

disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or 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. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **IX. DISCIPLINARY PENALTIES, PROCEDURES, AND REFERRALS**

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

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

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of 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. If the conduct of a student is related to a disability or suspected disability, the procedures in Section X of the Code of Conduct must be followed.

## **A. Penalties**

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

1. Oral warning: any member of the district staff.
2. Written warning: bus drivers, hall and lunch monitors, coaches, guidance, counselors, teachers, administrators, superintendent.
3. Written notification to parent: bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, administrators, superintendent.
4. Detention: teachers, administrators, superintendent.
5. Suspension from transportation: director of transportation, administrators, superintendent.
6. Suspension from athletic participation: coaches, administrators, superintendent.
7. Suspension from social or extracurricular activities: activity advisor, administrators, superintendent.
8. Suspension of other privileges: administrators, superintendent.
9. In-school suspension: administrators, superintendent.
10. Removal from classroom by teacher: teachers, administrators.
11. Short-term (five days or less) suspension from school: principal, superintendent, Board of Education.
12. Long-term (more than five days) suspension from school: principal, superintendent, Board of Education.
13. Referral to law enforcement: principal, superintendent, Board of Education.
14. Permanent suspension from school: superintendent, Board of Education.

## **B. Procedures**

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

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

### **1. Detention**

Teachers, principals, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

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

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the building principal. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the superintendent, or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

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

### **4. In-school suspension**

The Board of Education recognizes the school must balance the need of students to attend school and the need for order in the classroom in order to establish an environment conducive to learning. As such, the Board of Education 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 parent will be provided

with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom in order 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 into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days (including the initial day the student was removed). The removal from class applies to the class of the removing teacher only. A day in the middle and high schools is defined as up to 1 (one) period for each day. In the elementary setting, it is defined as up to 1 (one) hour for each day.

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 of why he or she is being removed and an opportunity to explain his or her version of the relevant events before said student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established disciplinary removal form and meet with the principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form.

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

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal (or the principal's designee) and the teacher to discuss the reasons for the removal.

The written notice must be provided in some manner that is reasonably calculated to assure receipt of the notice at the last known address of the parents within 24 hours of the student's removal. 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.

The principal may (and in most cases should) require the teacher who ordered the removal to attend the informal conference.

If at the informal conference 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 conference must be held within 48 hours of the student's removal. The timing of the informal conference may be extended by mutual agreement of the parent and principal.

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered an equivalent educational program until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

## **6. Suspension from school**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. The Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

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

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student verbally. 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 sent within 24 hours of the decision to propose suspension to 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. The notice and informal conference should 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 or 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 or 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 of Education may be appealed to the Commissioner within 30 days of the decision.

### **b. Long-term (more than 5 days) suspension from school**

When the superintendent or building principal determines that a suspension of more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a 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, at 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 of Education, which will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the district clerk within 30 calendar days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education may adopt, in whole or in part, the decision of the superintendent. Final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

### **c. Permanent suspension**

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

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

1. Students who bring a weapon to school.

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

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

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

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

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

Any student, except a disabled student as defined in Section X of this Code of Conduct, who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. (See Section X regarding students with a disability.) For purposes of this Code of Conduct, "is repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by a teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. 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.

#### **D. Referrals**

1. Counseling - The Guidance Office shall assist with all referrals of students to counseling.
2. PINS Petitions - The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he 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 that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possesses an illegal substance 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 a student aged 16 and older or a student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **X. 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.

## **XI. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Education also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education 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 laws and regulations.

While there are no formal disciplinary procedures in place, it is critical that parents and educators realize the importance of communication and information relationships in resolving discipline issues. The formal discipline process is often unnecessary when parents, educators, and students have the opportunity to develop cooperative partnerships.

Collaborative discussions of this type often lead to creative and student-specific solutions that support appropriate behavior and educational achievement. If parents or school officials believe that a student's placement is not appropriate, they should work together through the Committee on Special Education (CSE) to recommend an appropriate change.

Collaborative and cooperative partnerships among parents, educators, and students are more likely to result in support of appropriate changes to the placement of a student with a disability where such change will meet the needs of the student, will result in improved learning for the student, and will ensure a safe environment.

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

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 the removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement, to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - **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 that precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board of Education, superintendent of schools, or a building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior 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 USC §930(g)(w), which includes “a weapon, devise, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.
    - 2) **Controlled substance** means a drug or other substance identified in certain provisions of the federal 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 a period 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 accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern or 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 or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
  - c. Track suspensions of all students with disabilities and meet to discuss behavioral interventions when a student reaches the seventh day of suspension.
2. The parents of a student who is facing disciplinary action, but who has not yet been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, may 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 the 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, building principal, or other school official imposing a suspension or removal shall be 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 non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which 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 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 school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a

disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services required by the Commissioner's regulations incorporated into this code.

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where the school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to, any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding the determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

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

## **F. Overview Steps in the Disciplinary Process**

Any administrator who needs to discipline a student with a disability is required to adhere to the overview steps in the disciplinary process as specified in §3214 and §4403 of the Education Law and Parts 100, 200, and 201 of the Regulations of the Commissioner of Education. District administrators shall seek guidance from the Special Education Office regarding discipline procedures.

## **XII. CORPORAL PUNISHMENT**

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

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

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

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

### **XIII. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board of Education authorizes the superintendent, building administrators, the school nurse, and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated a law or the district Code of Conduct.

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating is related to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. A Student’s refusal to be searched, refusal to have his/her belongings searched, or refusing the administration of an Alco-Sensor test may be used against the Student by the District. Thus, the information that gave rise to the search of the Student will be considered true and accurate (and the Student will be considered to have admitted to and be guilty of the alleged conduct). The Student will then be subject to disciplinary consequences. Additionally, in any extracurricular circumstance (e.g. competing in or attendance at a sporting event, dance), the Student’s refusal will lead to his/her exclusion from the extracurricular activity that day/evening or into the future, as the District so determines.

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

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

## **B. Documentation of Searches**

The authorized school 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 informants(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner, and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student.

The principal or designee shall clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police. The principal or 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 school officials.

Before police officials are permitted to question or search any student, the building principal or 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 Protection Services Investigations**

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

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger or abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger or abuse, the worker may remove the student without a court order and without the parent's consent.

## **XIV. VISITORS TO THE SCHOOLS**

The Board of Education encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school and register.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or 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.

## **XV. 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** on school property or attending a school function.

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, including athletic events, 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 that they are on school property.

Schools are challenged to instill pride in sportsmanlike behavior among spectators. The greatest peril to interscholastic athletics is overzealous fans. School leaders must establish procedures for regularly communicating messages on sportsmanship to spectators. Spectators should be put on notice that administrators will not tolerate improper behavior from any fans, students, graduates, parents, or residents of the community. Spectators should be considered as members of the team to promote sportsmanship.

It is recommended that spectators:

1. Know and demonstrate the fundamentals of sportsmanship. Spectators are to keep in mind that they are at a contest to support and cheer for the team and to enjoy the competition. They are not there to intimidate or ridicule the other team and its fans.
2. Learn the rules of the game to understand and appreciate why certain situations take place.
3. Show proper respect for officials, coaches, cheerleaders, and contestants as guests in the community, and extend all courtesies toward them.
4. Understand that attending a sporting event is a privilege. It is not a license to verbally attack others or to become obnoxious.

The display of good sportsmanship promotes a positive image of a school and community.

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property. This includes graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, threaten, harass, bully or discriminate against any person on the basis of a person's actual or perceived race, color, weight, physical stature, national origin, ethnic group, religion, religious practices, gender, sex, sexual orientation,

or disability.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Smoke or use any tobacco product on school property or grounds.
11. 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.
12. Loiter on or about school property.
13. Gamble on school property or at a school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by his code.
16. Violate any federal or state stature, local ordinance, or Board of Education 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/Spectators. Their authorization, if any, to be on school grounds or at the school function shall be suspended and they shall be directed to leave the premises. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the District's determination. If they refuse to leave, they shall be subject to ejection by designated security or law enforcement officials.
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-and or any other legal rights 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 disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other

legal rights they may have.

5. Faculty/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 building principal or designee shall be responsible for enforcing the conduct required by this Code of Conduct.

When the building principal or designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat or 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.

## **XVI. DISSEMINATION AND REVIEW**

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

1. Providing copies of a summary of the code to all students at a general assembly in an age-appropriate, plain language version, held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Making a copy of the Code of Conduct available to all parents of district students before the beginning of the school year upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

6. Making copies of the code available for review by students, parents, and other community members.
7. Posting the Code of Conduct on the District website, [www.clarenceschools.org](http://www.clarenceschools.org), for access by parents, students, and community members.

The Board of Education will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

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

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

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