

ELLENVILLE CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

This code of conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(l) of the Commissioner's Regulations. Unless otherwise noted, all statutory references in this code are referenced in New York State Education Law. The Board of Education has the exclusive authority to adopt and amend the code of conduct.

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A. INTRODUCTION

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

The District has a long-standing set of expectations for conduct on school property, at school sponsored event or school transportation and at school functions. These expectations are based upon mutual respect, citizenship, character, civility, tolerance, honesty, and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, at school sponsored event or school transportation, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end the Board adopts this code of conduct (“code”).

Unless otherwise indicated, this code shall apply to all students, school personnel, parents and other visitors when on school property, at a school sponsored event or school transportation or attending any school function.

B. DEFINITIONS

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

“Disruptive Student” means any student under the age of twenty-one (21) who is substantially disruptive to the educational process, impeding the delivery of a quality education or substantially interferes with the teacher’s authority over the classroom. (NYS Education Law §3214(2-a)(b)).

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

“School Transportation” means a vehicle used for the transportation of a student during a school sponsored event.

“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, middle or high school, or in or on a school bus, as defined in NYS Vehicle Traffic Law §142. (NYS Education Law §2801(1)).

“School Function” means any school sponsored extra-curricular event or activity, (NYS Education Law §2801 (1)).

“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 or attempts to commit, while on school property, at a school function or on school-sponsored transportation, an act of violence upon another student or any person lawfully on school property, at school sponsored event or school transportation.

3. Possesses, while on school property, at school sponsored event or school transportation, a weapon.
4. Displays, while on school property, at school sponsored event or school transportation, what appears to be a weapon.
5. Threatens, while on school property, at school sponsored event or school transportation, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any student, school employee or any person lawfully on school property, at a school sponsored event or school transportation, school transportation or at a school function.
7. Knowingly and intentionally damages or destroys school district property. (NYS Education Law §3214(2-a)(a)). Check for modification to laws.

“Weapon” means a firearm as defined in 18USC §921 for purposes of the Gun Free School Act.

1. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
2. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
3. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
4. a sandbag or sandclub;
5. a sling shot or slungshot;
6. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;
7. an explosive, including but not limited to, a firecracker or other fireworks;
8. any dangerous chemical or substance, including, but not limited to, a strong acid or base, mace, pepper spray, bleach or bodily fluids;
9. an imitation gun;
10. loaded or blank cartridges or other ammunition; or
11. any incendiary device;
12. any other deadly or dangerous instrument or any ordinary object used to threaten or inflict harm and/or damage property.

C. STUDENT RIGHTS AND RESPONSIBILITIES

Student Rights

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. 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/gender identity, sexual orientation, or disability, by employees or students on school property, at a school sponsored event or school transportation.

Student Responsibilities

All District students have the responsibility to:

1. 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.
2. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
3. Be familiar with and abide by all District rules, policies, and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused, and be in class, on time, prepared to learn.
5. Work to the best of their ability in all academic and extra-curricular activities and strive toward their highest level of achievement possible.
6. Comply with directions(s) given by school personnel in a respectful and positive manner.
7. Work to develop mechanisms to control anger and aggression.
8. Ask questions when they do not understand.

9. Seek help in solving problems that might lead to disciplinary action.
10. Report information regarding issues of safety.
11. Dress appropriately for school and at school functions.
12. Accept responsibility for their actions.
13. 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.

D. ESSENTIAL PARTNERS

Parent Responsibilities

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure that their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist that their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with school personnel, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect a student's conduct or performance.
12. Provide a place for study and ensure that homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for

All Students Act.

Teacher and Staff Responsibilities

1. Maintain 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain a safe and orderly environment.
6. Communicate to students and parents:
 - a. Marking and grading procedures
 - b. Assignment deadlines
 - c. Course objectives and requirements
 - d. Expectations for students
 - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Address issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property, at a school sponsored event or school transportation or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
11. Dress appropriately to serve as a role model for students.
12. Comply with all mandated reporting requirements.

Guidance Counselor Responsibilities

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.

2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extra-curricular programs.
6. Provide personal transition counseling with students and their parents especially for students in 8th through 11th grades.
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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
9. Confer regularly with students and their parents regarding grades, course selections, college selections, financial aid, and career opportunities.
10. Call parents to arrange appointments for personal conferences.
11. Comply with all mandated reporting requirements.

Principal and Assistant Principal Responsibilities

1. Promote a safe, secure, orderly, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal and Assistant Principal for redress of grievances.
3. Evaluate the performance of all teachers and staff.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

8. Comply with all mandated reporting requirements.

Superintendent Responsibilities

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Provide information to the Board of Education regarding program, assessment and disciplinary data, as needed.
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 fairly and promptly.
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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

Board of Education's Responsibilities

1. Develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property, at school sponsored event or school transportation.
2. Adopt and review, at least annually, the district's code of conduct to evaluate the Code's effectiveness and the fairness and consistency of implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity For All Students Act.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous

manner.

Expectations for Student Support Service Personnel (School Psychologists, Student Service Liaison, Student Assistance Counselor)

1. Support educational and academic goals.
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. 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.
7. Encourage students to benefit from the curriculum and extra-curricular programs.
8. 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
9. 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.

Expectations for 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

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. 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.

In order to promote a school climate that is conducive to learning and free from distraction, the following are deemed to be inappropriate either because they interfere with the health and safety of our students and staff or because they are not appropriate to the educational setting, or are disruptive to the educational process:

1. A student's dress, grooming and appearance shall not materially or substantially disrupt or interfere with the educational process, or create a health and safety hazard.
2. Extremely brief garments which are inappropriate and/or disruptive to the educational process may not be worn.
3. Underwear must be completely covered with outer clothing.
4. Students must wear footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Students may not wear hats, and heavy jackets designed for outdoor use in the school building during regular school hours, classroom except for a religious or medical purpose.
6. Students may not wear clothing or accessories that are vulgar, obscene, indecent, libelous, advocates discrimination, or denigrates others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability.
7. Students may not wear clothing or accessories that endorse or promote the use of alcohol, tobacco, or illegal drugs and/or encourages gang, and/or other illegal/violent activities.
8. Students may not wear sleepwear, including pajamas, slippers.
9. Students may not wear clothing exposing a bare midriff.

10. Students may not wear caps, doo-rags, bandanas, sports caps, stocking caps, visors, hoods of hooded sweatshirts – This does not include hair adornment of a utilitarian nature (barrettes, hair bands, scrunchies), or headwear worn for religious, cultural, or medical reasons.
11. Students may not wear jewelry or accessories (e.g. spiked collars, spiked bracelets, chains, etc.) which can injure the student or others.
12. Students may not wear sunglasses, unless medically required.
13. Administration reserves the right to rule on the appropriateness of any new fashion trend.
14. Each Building Principal or his/her designee shall be responsible for informing all students and parents of the student dress code at the beginning of the school year, as well as any revisions that may be made to the dress code during the school year.

Students who violate the dress code shall be required to modify his/her appearance by covering or removing the 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 school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline.

F. PROHIBITED STUDENT CONDUCT

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of any misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property, at school sponsored event or school transportation specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. **As stated previously, no set of rules or policies can include every possible infraction.** Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

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

1. Engage in behavior that is disorderly. Examples of disorderly conduct include but are not limited to:
 - a. Running in the hallways.
 - b. Making unreasonable noise.
 - c. Using language or gestures that are profane, lewd, vulgar or abusive.

- d. Obstructing pedestrian or vehicular traffic.
 - e. Engaging in any willful act which disrupts the normal operation of the school community.
 - f. Trespassing. Students are not permitted in any school building or school grounds other than the one they attend without permission from the administrator in charge of the building.
 - g. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network or use of social media or any other violation of the District Acceptable Use Policy.
 - h. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, music devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
 - i. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system.
 - j. Inappropriate use of social media sites and applications including, but not limited to, Facebook, Twitter, Instagram, Kik, YouTube and Snapchat.
 - k. Using vulgar or abusive language, cursing, or swearing.
 - l. Public displays of affection
2. Engage in conduct that is insubordinate (i.e. disobedient, defiant, noncompliant), or disruptive. Examples of such behaviors include but are not limited to:
- a. 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 well-being.
 - b. Demonstrating disrespect or failure to comply with the reasonable directions of school personnel while on school property, at school sponsored event or school transportation.
 - c. Interfering with classroom instruction.
 - d. Failure to report to school or class on time, cutting class or leaving school without permission.
 - e. Skipping detention or alternative assignments made by an administrator.
 - f. Inappropriate use of social media sites and applications including, but not limited to, Facebook, Twitter, Instagram, Kik and Snapchat.
3. Engage in behavior that is violent. Examples of such behavior include but are not limited to :

- a. Committing or attempting to commit an act of violence (such as hitting, kicking, spitting, punching, or scratching) upon a teacher, administrator, other school employee or another student or any other person lawfully on school property, at a school sponsored event or school transportation.
 - b. Possessing a weapon. Authorized law enforcement personnel are the only persons permitted to have a weapon in their possession while on school property, at school sponsored event or school transportation.
 - c. Displaying what appears to be a weapon.
 - d. Threatening to use any weapon.
 - e. Intentionally or recklessly damaging or destroying the personal property of the school district, a student, teacher, administrator, other district employee or any person lawfully on school property, at a school sponsored event or school transportation.
 - f. Intentionally or recklessly damaging or destroying school district property, including graffiti or arson.
 - g. Communication on or off school property, at a school sponsored event or school transportation by any means (including but not limited to- oral, written or electronic such as through the Internet, email or texting), where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property, at a school sponsored event or school transportation; or, (b) results in material or substantial disruption to the educational environment.
 - h. All conduct which is specifically named as violent or disruptive under the VADIR reporting system (Article 55 of the Education Law).
4. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such behavior include but are not limited to:
- a. Lying to school personnel.
 - b. Stealing the property of other students, school personnel, or any other person lawfully on school property, at a school sponsored event or school transportation.
 - c. Unauthorized use of locked interior doors or perimeter access doors.
 - d. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harms the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures via written material, cell phones, Internet, YouTube, email, etc.
 - e. Harassment, 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 based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, use of a recognized guide dog, hearing dog or service dog.

- f. Sexual harassment, which 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.
- g. Discrimination, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, use of a recognized guide dog, hearing dog or service dog, as a basis for treating another in a negative manner on school property, at a school sponsored event or school transportation.
- h. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- i. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, sexting 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.
- j. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- k. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- l. Selling, using or possessing obscene material.
- m. Using vulgar or abusive language, cursing, or swearing.
- n. Smoking or using any type of tobacco substance or tobacco substitute, including, but not limited to, a cigarette, cigar, pipe, e-cigarette, vape, hookah pen, or using chewing or smokeless tobacco.
- o. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property, at a school sponsored event or school transportation. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, ecstasy, amphetamines, opioids, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- p. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or

indecent manner.

- q. Inappropriately using or sharing prescription and over the counter drugs.
- r. Gambling.
- s. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- t. Use of and displaying personal electronic devices including, but not limited to, cell phones, earphones, laser pointer/pens or any other type of telecommunications or imaging devices, during the school day, unless used in an area designated by the building administrators , or unless otherwise authorized by the district. 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. 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 cyber bullying. 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, including confiscation of any such devices.
- u. Cell phone acceptable use is as follows:
 - i. Elementary and Middle Schools: Cell phones may not be in a student's possession during the school day.
 - ii. High School: Cell phone use during the school day may only take place in areas designated by administration. Cell phones may only be used in the classroom for instructional purposes and require teacher authorization before use.
- v. No electronic recording and/or uploading any activity during school or school activities without permission from school administration.
- w. No personal laptop computers or personal Internet access.
- x. Promoting, inciting, or encouraging violent or disruptive behavior, such as fighting, bullying, intimidation, etc.
- y. No food and beverages outside of the cafeteria, unless approved by administration.
- z. Students are not to loiter in classrooms, hallways, or on school grounds, before or after the regular school day. Students who persist in loitering in the building or on school grounds when they are not scheduled to be in school will be subject to disciplinary action.
- aa. Students must comply with all motor vehicle and traffic laws. Operating vehicles on school property or at a school sponsored event in a manner which is considered to be dangerous, hazardous or a violation of school policy.
- bb. Use of a skateboard, Segway, hover board or any unsafe use of a bicycle is prohibited on

school property or at a school sponsored event.

cc. Selling, trading or attempting to sell or trade any item not authorized by the Ellenville Central School District.

5. Engage in misconduct while on a school bus:

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on a bus in a manner consistent with the established standards for classroom behavior. Examples of misconduct on school buses include, but are not limited to: excessive noise, bullying, use of derogatory language, pushing, shoving, fighting, smoking, or throwing objects from the bus window.

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

- a. Plagiarism.
- b. Cheating.
- c. Unauthorized copying of another person's work without permission.
- d. Altering records.
- e. Assisting another student in any of the above actions.
- f. Unauthorized use of electronic devices to compromise academic integrity.

G. REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee, or the Dignity for All Students Coordinator (DAC). Any student observing a student engaging in any conduct prohibited by the code of conduct, including but not limited to, possessing a weapon, alcohol or illegal substance on school property, at a school sponsored event or school transportation shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All district staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that is not authorized to impose disciplinary sanctions is 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, which may include expulsion and referral for prosecution.

The Superintendent or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime, such as forcible sexual offenses; armed robbery; bomb threats; and such other conduct which law enforcement advises the district that it is desirous of being informed about. Such notification should be made as soon as practical, but in no event later than the close of business the day the Superintendent or his/her designee learns of the violation.

H. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student may be referred to the Committee on Special Education, and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

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. Verbal warning: any member of the district staff.
2. Confiscation of any electronic device found to be in violation of the Code of Conduct: Assistant Principal, Principal/designee, and Superintendent/designee. (The student may pick up the electronic device at the end of the school day from the main office. Any further violation of this policy may result in the loss of privilege to bring the electronic device onto school property for the remainder of the school year.)
3. Written referral: Bus driver/monitors, (hall and lunch monitors in collaboration with

Assistant Principal, teacher aide/assistants in collaboration with classroom teacher) coaches, guidance counselors, teachers, , Assistant Principal, Principal/designee, Superintendent/designee, security personnel.

4. Written notification to parent: Teachers, Principal/Designee, and Superintendent/Designee.
5. After school detention: Assistant Principal, Principal, and Superintendent/designee.
6. Lunch detention - Teachers, Assistant Principal, Principal, Superintendent/designee.
7. Suspension from transportation: Principal/Designee, Superintendent/Designee.
8. Suspension from athletic participation: Coaches, Athletic Director, Assistant Principal, Principal, Superintendent/designee.
9. Suspension from social or extracurricular activities: activity director, Assistant Principal, Principal, Superintendent/designee.
10. Suspension of other privileges including, but not limited to, student parking on school premises or off campus lunch: Assistant Principal, Principal, Superintendent/designee.
11. In-school suspension: Assistant Principal, Principal, Superintendent/designee.
12. Teacher Disciplinary Removal of Disruptive Students.
13. Short-term (five days or less) suspension from school: Principal, Superintendent/designee, and Board.
14. Long-term (more than five days) suspension from school: Superintendent/designee, Board.
15. Permanent suspension from school; Superintendent/designee, Board.

Procedures

The kind of due process a student receives before a penalty is imposed depends on the penalty a student may receive. In all cases, the person imposing the penalty must inform the student of the supposed misconduct, and must investigate the facts surrounding this misconduct. All students will have a chance to tell their version of the facts to the person who will be deciding the penalty.

Students who are to be given penalties other than a verbal 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
 - a. After School Detention-Assistant Principals, Principals and the Superintendent/designee may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the

student's parent/guardian has been notified to confirm that the student has appropriate transportation home following detention. If there is no telephone or working number, that fact must be documented, and written notice must be provided.

b. Lunch Detention-Teachers, Assistant Principals, Principals and the Superintendent/designee may use lunch detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Within three days, parents/guardians will be informed that lunch detention was assigned. If there is no telephone or working number, that fact must be documented, and written notice must be provided.

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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent 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 Principal/designee to discuss the conduct and the penalty involved.

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

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

4. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals/designee and the Superintendent/designee 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 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:

- a. short-term "time out" in an elementary classroom or in an administrator's office;
- b. sending a student to the Principal's office for the remainder of the class time only;
- c. 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 no more than five days. The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day. Within 24 hours after the student's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The Principal or another district administrator designated by the Principal must notify the student's parent, in

writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, provided that if such twenty-four hour period does not end on a school day, it shall be extended to the corresponding time on the next school day at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal, provided that if such forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the informal meeting 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 his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, provided that if such forty-eight hour period does not end on a school day, it shall be extended to the corresponding time on the next school day, 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 continued educational programming and activities 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/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 or the

chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the 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 referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

7. Short term (five days or less) Suspension from School

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

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

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 may be appealed to the Commissioner of Education within 30 days of the decision.

8. Long term (more than five days) Suspension from School

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

9. 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, at a school sponsored event or school transportation.

10. Minimum Periods of Suspension

a. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a

weapon onto school property, at a school sponsored event or school transportation 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:

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty 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.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

11. Referrals

Student Support Services

The Student Support Office counselors shall handle all referrals of students for counseling.

PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 16 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05.

A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

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:

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

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

I. 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 §32 14, the district will take immediate steps to provide alternative means of instruction for the student.

J. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or

otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

1. Authorized Suspensions or Removals of Students with Disabilities

For purposes of this section of the code of conduct, the following definitions apply.

"Suspension" means a suspension pursuant to Education Law § 3214.

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

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

School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- a. The Board, the district (BOCES) Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in 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.

"Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which

includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."

"Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

"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.

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 possess a risk of harm to the student or others.

2. Change of Placement Rule

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a. for more than 10 consecutive school days or;
- b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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.

3. Special Rules Regarding the Suspension or Removal of Students with Disabilities

The district's Committee on Special Education shall:

- a. If a student with a disability violates the student code of conduct, the district may change the student's placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days, to the extent that such alternatives are applied to children without disabilities.
- b. If a student is suspended for more than ten (10) school days, the CSE must conduct a manifestation determination to determine whether the student's behavior which led to the

disciplinary action was caused by, or had a direct and substantial relationship to the student's disability or if the behavior in question was the direct result of the district's failure to implement the IEP.

- c. If the district is suspending or removing a student for more than ten (10) days in a school year, and the CSE has determined that the behavioral issue is a manifestation of the child's disability, the Committee on Special Education shall conduct a functional behavioral assessment and implement a behavioral intervention plan, if such an assessment had not been conducted prior to the behavior in question.
- d. If there is already a behavioral intervention plan in place, the members of the CSE shall review the plan to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, a CSE meeting shall be convened to modify such plan and its implementation, to the extent the committee determines necessary.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable 1098 procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The Superintendent, 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.

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:

- a. Conducted an individual evaluation and determined that the student is not a student with a disability; or
- b. If the parent of the child has not allowed an evaluation of the child; or
- c. If the parent of the child has refused special education services.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged 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 student shall remain in the educational placement determined by the district.

The district shall provide parents with notice of disciplinary removal no later than the date on which the decision is made to change the placement of the student. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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.

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.

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.

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

4. Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

When an appeal has been requested regarding the student's placement or manifestation determination, the student shall remain in the IAES pending the decision of the hearing officer or until the expiration of the IAES placement, whichever occurs first, unless the district and parents agree otherwise.

An expedited due process hearing shall occur within twenty (20) school days of the date of the hearing request and shall result in a determination within ten (10) school days after the hearing.

5. Referral to Law Enforcement and Judicial Authorities

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

- a. The district may report a crime committed by a child with a disability to appropriate law enforcement and/or judicial authorities.
- b. 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 law enforcement and/or judicial authorities to whom the district reports the crime.

K. CORPORAL PUNISHMENT/USE OF PHYSICAL FORCE

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

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 and/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.

L. STUDENT SEARCHES AND INTERVIEWS

The Board of Education is committed to ensuring an atmosphere on school property, at a school sponsored event or school transportation that is safe and orderly. 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 authorizes the Superintendent of Schools or designee, Building Principals, Assistant Principals, and the school nurse 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 the 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 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. 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 they 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. At least two adults must be present, at least one of whom is authorized to complete the search and at least one being the same sex of the student being searched.

1. 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 student lockers, desks and other school storage places may be subject to search any time by school officials, without prior notice to students and without their consent.

2. Strip Searches

Strip searches are not permitted under any circumstances.

3. Documentation of Other Than Strip Searches

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

- a. Name, age and grade of student searched.
- b. Reasons for the search.
- c. Name of any informant(s).
- d. Purpose of search (that is, what item(s) were being sought).
- e. Type and scope of search.
- f. Person conducting search and his or her title and position.
- g. Witnesses to the search.
- h. Time and location of search.
- i. Results of search (that is, what items(s) were found).
- j. Disposition of items found.
- k. Time, manner and results of parental notification.

The Principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous item(s) taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal/designee shall be responsible for personally delivering dangerous or illegal items to the police. The Principal/designee must notify the Superintendent of any search that is conducted in the schools.

4. Police Involvement in Searches and Interviews of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property, at a school sponsored event or school transportation to question or search a student or to conduct a formal investigation involving student's only if they:

- a. Have a search or an arrest warrant; or
- b. Have probable cause to believe a crime has been committed on school property, at a school sponsored event or school transportation;
- c. Have been invited by school officials; or
- d. Are otherwise authorized by law.

Before police officials are permitted to question or search any student, the Superintendent or designee shall be notified; the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the parent cannot be contacted, the Principal or his or her designee may permit the questioning to occur in the presence of the Principal or his or her designee. All telephone calls and other parent contacts must be documented. The Principal or designee will also be present during any police questioning or search of a student on school property, at a school sponsored event or school transportation.

Nothing in this paragraph will bar the Principal or his or her designee from questioning a student, in the presence of a law enforcement official, when investigating incidents prohibited under this Code of Conduct.

5. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property, at a school sponsored event or school transportation 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, at a school sponsored event or school transportation shall be made directly to the Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or the Principal's designee 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, at a school sponsored event or school transportation without a court order, unless the worker reasonably believes that the student would be subject to danger of 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 of abuse, the worker may remove the student without a court order and without the parent's consent. The Child Protective Services worker must supply the District with appropriate documentation in support of their actions.

M. VISITORS TO THE SCHOOL

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

Anyone who is not a regular staff member or student of the school will be considered a visitor.

All visitors to the school must report to the designated area upon arrival at the school. Upon first visit they will be required to provide identification and be registered in the BadgePass system. Visitors may be asked for identification at any time they are on school property. They will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The identification badge is only valid for the time specified. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

Parents or guardians who wish to observe visit a classroom while school is in session must obtain prior consent from the Building Administrator. Parents or guardians who wish to meet with other school staff members must make an appointment whenever possible.

Teachers are expected not to take class time to discuss individual matters with visitors.

Any unauthorized person on school property, at a school sponsored event or school transportation will be reported to the Principal/designee or Superintendent. Unauthorized persons will be asked to leave. The Police may be called if the situation warrants.

All visitors are expected to abide by the rules for public conduct on school property, at a school sponsored event or school transportation contained in this Code of Conduct.

N. 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, at school sponsored event or school transportation. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property, at a school sponsored event or school transportation 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, at a school sponsored event or school transportation 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.

1. Prohibited Conduct

No person, either alone or with others, shall:

- a. Intentionally injure any person or threaten to do so.
- b. Intentionally damage, remove or destroy school district property (including graffiti or arson) or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, at a school sponsored event or on school transportation.
- c. Disrupt the orderly conduct of classes, school programs or other school activities.
- d. Distribute or wear materials on school grounds or at school functions that are obscene, advocate discriminatory or illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program, or are in any way associated with gang identification.
- e. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- f. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g. Obstruct the free movement of any person in any place to which this code applies.
- h. Violate the traffic laws, parking regulations or other restrictions on vehicles.
- i. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property, at school sponsored event or school transportation.
- j. Possess or use weapons in or on school property, at a school sponsored event or school transportation, except in the case of law enforcement officers on duty.
- k. Loiter on or about school property, at school sponsored event or school transportation.
- l. Gamble on school property, at a school sponsored event or school transportation.
- m. Refuse to comply with any reasonable order from identifiable school district officials performing their duties.
- n. Willfully incite others to commit any of the acts prohibited by this code.
- o. Violate any federal or state statute, local ordinance or Board policy while on school property, at school sponsored event or school transportation.

- p. Use of tobacco products on school property, at a school sponsored event or school transportation.
- q. Bring any wild or domestic animal (except service dogs) on school property, at a school sponsored event or school transportation.

2. Penalties

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

Visitors

Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

Students

They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

Faculty members

They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020a or any other legal rights that they may have.

Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.

Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

3. Enforcement

The Superintendent/designee or the Principal/designee shall be responsible for enforcing the conduct required by this code. When the Superintendent or Principal or designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the Superintendent or Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Superintendent or 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, they shall have the individual removed immediately from school property, at a school sponsored event or school transportation. 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.

O. DISSEMINATION AND REVIEW

1. Dissemination of Code of Conduct

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

- a. Providing copies of a summary of the code to all students at the beginning of each school year.
- b. Making copies of the code available to all parents at the beginning of the school year.
- c. 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 applicable after adoption.
- d. Placing a copy of the code on the District's website.
- e. Providing all new employees with a copy of the Code of Conduct when they are first hired.
- f. Making copies of the code in English and Spanish for review by students, parents and other community members.

The principals are responsible to review this Code of Conduct with all district staff at the first faculty meeting of the school year.

2. Review of Code of Conduct

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations.

Before adopting any revisions to the code, the Board will have two public readings of the code of conduct at a regularly scheduled Board of Education meeting.

The code of conduct and any amendment is to be filed with the Commissioner of Education no later than 30 days after adoption.

P. DIGNITY FOR ALL STUDENTS ACT COORDINATORS

Elementary School –Assistant Principal– 845-647-0131

Middle School – Assistant Principal – 845-647-0126

High School – Assistant Principal – 845-647-0128

Superintendent/Designee 845-647-0100

Adopted: August 22, 2017