

5131.1**Code of Conduct****Policy**

The Board of Education of Valley Stream Union Free School District #24, in support of the aims of public education, believes that student behavior will reflect standards of good citizenship expected of members of a democratic society. Student self-discipline is one of the important goals of education and its inculcation and practice by students are of great concern to the Trustees of the Board and the District Administration.

I. Definitions:

For purposes of this code, the following definitions apply:

- A. Disruptive means substantially interfering with the teacher's authority over the classroom or the educational process and/or interfering with an environment of education or atmosphere of learning.
- B. Gender means actual or perceived sex and will include a person's gender identity or expression.
- C. Gender expression is the manner in which a person represents or expresses gender to others through behavior, clothing, hairstyle, activities, voice or mannerisms.
- D. Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- E. Parent means the biological, adoptive or foster parent, guardian or a person in a parental relation to the student.
- F. School property means on or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- G. School function means any school-sponsored event or activity, whether within or outside of school property.
- H. Sexual orientation means actual or perceived heterosexuality, homosexuality or bisexuality.
- I. Violent student means a student under the age of 21 who:

1. Commits an act of force or uncontrolled behavior targeted at a school employee or any other person lawfully on school property or at a school function.
2. Commits an act of violence upon another student while on school property or at a school function.
3. Possesses a weapon while on school district property or at a school function.
4. Displays a weapon or what reasonably appears to be a weapon while on school district property or at a school function.
5. Threatens to use a weapon, facsimile or replica of any type weapon while on school property or at a school function. In determining whether a threat exists; the victim's perceptions will govern.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 U.S.C. § 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

II. Student Rights and Responsibilities:

A. Student Rights –

The District is committed to safeguarding the rights given to all students pursuant to state and federal law and District Policy. In addition to those rights, all District students have the right to:

1. A safe, healthy, orderly and respectful school environment.
2. An opportunity to take part in all District activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual

orientation or disability. (See also Policy #4111.1a – Nondiscrimination (Human Dignity))

3. Not to be discriminated against based upon federal or state law or Board of Education policy.
4. Due process
5. Access to school policies, regulations and rules, and when necessary, an explanation of those rules from school personnel.

B. Student Responsibilities –

Students are expected to conduct themselves in a manner consistent with the maturity level of the grade and consistent with their abilities, acting with due regard to authority. This includes conformity to school rules and regulations and those provisions of law that apply to the conduct of minors, consideration for the rights and privileges of others, cooperation with all personnel in the school community, and basic self-respect for one's self. These ideals are the cornerstone of our guiding principles.

In addition, high personal standards of courtesy, decency, language, honesty, morality and wholesome relationships with others will be maintained.

Respect for real and personal property, pride in one's work and achievement within one's ability are expected of all students.

III. Essential Partners:

A. Parents are expected to:

1. Recognize that the education of their child(ren) is a cooperative responsibility of the parents and the school community and to collaborate with the District to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure that their children attend school regularly and on time.
4. Ensure that absences are excused by providing written notification.
5. Insist that their children be dressed and groomed in a manner appropriate for school.

6. Help their children understand that, in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
 7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
 8. Convey to their children a supportive attitude toward education and the District.
 9. Build positive, constructive relationships with teachers, other parents and their children's friends.
 10. Help their children deal with peer pressure in a positive manner.
 11. Inform school officials of changes in the home situation that may affect student conduct or performance.
 12. Provide a place of study and ensure homework assignments are completed.
 13. Where practical, assist with homework in the study and development of social skills.
- B. All District teachers are expected to:
1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen a student's self-concept and promote confidence to learn.
 2. Be prepared to teach.
 3. Demonstrate interest in teaching and concern for student achievement.
 4. Know school policies and rules, and enforce them in a fair and consistent manner.
 5. Maintain confidentiality in conformity with federal and state law.
 6. Communicate to students and parents:
 - (a) Class objectives and requirements;
 - (b) Expectations for students; and
 - (c) Classroom discipline plan
 7. Communicate regularly with students, parents and other teachers concerning growth and achievement.

8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- C. All other school personnel are expected to:
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 (including gender identity and expression) or sex.
 2. Maintain confidentiality in accordance with federal and state law
 3. Be familiar with the code of conduct.
 4. Help children understand the District's expectations for maintaining a safe, orderly environment.
 5. Participate in school-wide efforts to provide adequate supervisions in all school spaces.
 6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 7. Address personal biases that may prevent equal treatment of all students.
- D. All principals and administrators are expected to:
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
 2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for any complaints that may arise.
 3. Maintain confidentiality in accordance with federal and state law.

4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
 5. Support the development of and student participation in appropriate extracurricular activities.
 6. When called upon, provide support in the development of the code of conduct. Disseminate the code of conduct and anti-harassment policies.
 7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
 8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students and staff.
- E. The Dignity Act Coordinator is expected to:
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
 2. Oversee and coordinate the work of the District-wide and building-level bullying prevention committees.
 3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
 4. Coordinate training, with the Professional Development Committee, in support of the bullying prevention committee.
 5. Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.
 6. Address issues of harassment of any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

7. Address personal biases that may prevent equal treatment of all students and staff.

F. The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal or state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with District administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school functions.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

IV. Board of Education:

A. Mission:

The Mission of the Valley Stream Union Free School District #24 is to create a learning environment that challenges each student to become a self-sufficient, cooperative, responsible, and contributing member of a global society and encourages each to achieve his/her highest potential.

B. To accomplish this goal, the Board of Education is committed to:

1. Employ, train and support a staff that acts to achieve mastery and excellence in education. Our nurturing educational environment and the programs

contained within, will provide strategies, skills and resources necessary for our children to become self-reliant, educated and socially responsible individuals.

2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the District's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

C. Belief:

We believe that all children have a potential to learn. Their progress requires the District to be creative and maximize educational opportunities. We support excellence and innovative learning experiences in partnership with family and community.

V. Student Conduct:

A. Student Dress:

The responsibility for student dress and general appearance will rest with individual students and parents. However, the Board requires students to attend school and school-related activities in appropriate dress that meets health and safety standards and does not interfere with the learning process or cause a

disturbance in the school or the District. The Board also requires students to wear appropriate protective gear in certain classes (*e.g.*, physical education). Attire bearing an expression or insignia that is obscene or libelous, or which advocates prejudice or is disruptive, is forbidden.

While students and parents are expected to use good judgment in this matter, the Superintendent of Schools, the building principal and other designated administrative personnel will have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines.

VI. Prohibited Student Conduct:

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

- A. Engage in conduct that is disorderly including, but not limited to:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Creating a hazardous or offensive condition.
 - 5. Engaging in any willful act that disrupts the normal operation of the school community.
 - 6. Defacing school property.
 - 7. Vandalism.
 - 8. Disorderly conduct on a school vehicle.
 - 9. Disorderly conduct while on a field trip.
 - 10. Computer/electronic communication misuse including, but not limited to, any unauthorized use of computers, software, internet account, accessing inappropriate websites; or any other violation of the District's acceptable use policy.
- B. Engage in conduct that is insubordinate, including, but not limited to:
 - 1. Failing to comply with the lawful directives of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
 - 2. Lateness, missing or leaving school without permission.
- C. Engage in conduct that is disruptive including, but not limited to:

1. Substantially interfering with the teacher's authority over the classroom or the educational process and interfering with the environment of education or atmosphere of learning.
 2. Interfering in or disrupting the educational process of oneself or others.
 3. Engaging in conduct that is violent as defined by Education Law §3214 (2-a) including but not limited to, committing an act of violence, either physical or emotional (such as threatening, hitting, kicking, punching and scratching) upon another student or any other person lawfully on school property or engaging in conduct that has the potential of resulting in violence on school property.
- D. Engage in conduct that endangers the safety, morals, health or welfare of others including, but not limited to:
1. Possession of a weapon as defined in this code of conduct.
 2. Lying to school personnel or staff.
 3. Stealing the property of others, school personnel or any other person lawfully on school property or attending a school function.
 4. Acts of harassment as defined in the District's Anti- Harassment Policy.
 5. Selling, using, or possessing obscene material.
 6. Possessing, selling, using or sharing a cigarette, e-cigarette, cigar, pipe, chewing tobacco or smokeless tobacco on school grounds.
 7. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, or illegal substances or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, synthetic, imitation or look-alike drugs (whether or not they are illegal to sell or consume or are considered controlled substances pursuant to state, federal or local law), and any substances commonly referred to as "designer drugs."
 8. Engaging in conduct that is prejudicial to the rights of others.
 9. Intimidation and/or bullying that includes engaging in actions or statements that put an individual in fear of bodily harm, including the soliciting of funds from others.

10. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 11. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 12. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 13. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (including gender identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 14. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment.
 15. Bullying, which may be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror.
 16. Hazing, which includes an induction, initiation or membership process involving harassment.
 17. Using vulgar or abusive language, cursing or swearing.
 18. Inappropriately using or sharing prescription and over-the-counter drugs.
 19. Gambling.
 20. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 21. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- E. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism
 2. Cheating
 3. Copying
 4. Assisting another student in any of the above actions.
- F. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of this misconduct include, but are not limited to:
1. Cyber bullying (*e.g.*, inflicting willful and repeat harm through the use of electronic text).
 2. Threatening or harassing students or school personnel over the phone, internet or other electronic medium.

Reporting violations of the code of conduct: Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function must report this information immediately to a teacher, principal or the superintendent.

When a teacher determines that there exists a potential for violence or danger, he/she shall notify the building administrator who will where necessary contact appropriate law enforcement agency. Teachers directly may contact the appropriate law enforcement agency where it would not be appropriate to contact the building administrator or the building administrator is not available. Where practical, any weapons, alcohol, or illegal substances found will be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The building principal must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that violates the code of conduct and constitutes a crime.

VII. Disciplinary Procedures and Penalties

A. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is 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 circumstances leading to the offense;
3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents, teacher and/or others, as appropriate;
6. Other extenuating circumstances except as set forth by law or in policy of the Board of Education.

As a general rule, discipline will be progressive. The District understands that suspension is a severe penalty. It is the District's goal to utilize detention in lieu of suspension where appropriate and where safe for the school community.

If the conduct of a student is related to a disability or suspected disability, the student will 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. A student identified as having a disability will not be disciplined for behavior related to his/her disability.

B. 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 with one another.

1. Verbal warning
2. Written notification to parent
3. Detention
4. Suspension from transportation
5. Suspension from school-related activities
6. Suspension from social or extracurricular activities
7. In-school suspension
8. Removal from classroom by teacher
9. Short-term (five days or less) suspension from school
10. Long-term (more than five days) suspension from school
11. Permanent suspension from school

C. Procedures:

The amount of due process to which a student is entitled before a penalty is imposed depends on the type of penalty. In all cases, regardless of the penalty, the school personnel authorized to impose the penalty must let the student know the misconduct the student is alleged to have committed and must investigate the facts surrounding the alleged misconduct.

All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents, or detention are entitled to additional rights before the penalty is imposed.

D. Suspension from transportation:

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

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

E. Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges:

Participation in extra-curricular activities is a privilege. A student subject to a suspension from extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the conduct and the penalty involved.

F. In-school suspension:

The Board recognizes that 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 of Education authorizes the building principals or the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in an in-school suspension.

In-school suspension is the temporary removal of students from the classroom and their placement in another area of the school building designated for that reason and in which students will receive substantially equivalent, alternative education. A student subject 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.

G. Teacher Removal of Disruptive Students:

A student who is substantially disruptive of the educational process, or substantially interferes with the teacher's authority over the classroom may be

removed from class for up to two days. The removal from class applies only to the class of the removing teacher. If a student is disruptive to the academic process, the teacher must provide the student, before the student is sent to an alternative setting, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his/her version of the relevant events. Only after this informal discussion may a teacher remove a student.

If the student does pose a danger or on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within one full school day.

The teacher must complete a District-established referral form and meet with the principal or his/her designee, as soon as possible, but not later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal is not available by the end of the same school day, the teacher must leave the form with the building secretary and meet with the principal prior to the beginning of classes on the next school day. Within one school day after the student's removal, the principal or another District administrator designated by the principal must notify the student's parent, in writing, that the student has been removed from class and provide the reasons for removal. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone, if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

If, at the informal meeting, the student denies the charges, the principal or the principal's designee must reiterate 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 two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

The principal or his/her designee must make a determination as to whether to reverse the removal before the close of business on the date after the day of the informal hearing. 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. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal. Any disruptive student removed from the classroom by the classroom teacher will be offered alternative educational programming and activities until he or she is permitted to return to the classroom.

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

Nothing in this section of the code of conduct abridges the statutory right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as “time out” in an elementary classroom, or in an administrator’s office, or sending students briefly into the hallway, are not considered removals from class. The removal process should not become a substitute for good classroom management.

H. Suspension or Removal from School:

1. Suspension from school is a severe penalty that may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others or self.
2. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.
 - a. Short Term Suspension From School (five days or less)

When the superintendent or principal (“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 verbally notify the student. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. School officials 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 ensure receipt of the written notice must be in the parent’s dominant language or mode of communication within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone, if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal will promptly advise the parents in writing of his or her decision. The principal will 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 30 calendar days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. An appeal of the decision of the superintendent may be made to the Board which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 calendar days from the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty calendar days of the decision.

- b. Long Term Suspension from School (more than five days):

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he/she will give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student will have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his/her behalf. The superintendent will personally hear and determine the proceeding or, may in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoena in conjunction with the proceeding before him/her. A record of the hearing be maintained, but no stenographic transcript shall be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer will only be advisory, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 calendar days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board 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 calendar days of the decision.

- c. **Permanent Suspension:** Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel, or any other person lawfully on school property or attending a school function.
- d. **Minimum Periods of Suspension:** Gun Free Schools Act of 1994 (20 U.S.C. § 8921)): Any student found guilty or bringing a weapon onto

school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The superintendent has the authority to modify the penalty; the superintendent may consider the following:

- i. The student's age
 - ii. The student's grade in school
 - iii. The student's prior disciplinary record
 - iv. The Superintendent's belief that other forms of discipline may be more effective
 - v. Input from parents, teachers and/or others
 - vi. Other extenuating circumstances
- e. Students who commit violent acts, other than bringing a weapon to school: Any student who is found to have committed a violent act, other than bringing a weapon onto school property, will be subject to suspension from school at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a short 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.
- f. Students who are repeatedly substantially disruptive of the educational process, or repeatedly substantially interfering with the teacher's authority over the classroom: Any student, who engages in conduct which results in the student being removed from the classroom by the teacher(s) on four or more occasions during a semester will be subject to suspension from school for at least five days. If the proposed penalty is the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing 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.

- g. Alternative instruction: When a teacher removes a student of any age from class, or a student of compulsory attendance age is suspended from school, pursuant to Education Law § 3214, the District will take alternative means of instruction for the student.
- h. The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - 1. Any student under the age of 16 who is found to have brought a weapon to school; or
 - 2. Any student who is 14 or 15 years old and 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.

VIII. Discipline of Students with Disabilities:

The Board of Education recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board 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 the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural

safeguards required by applicable laws and regulations (Policy #5406 (Suspension of Students with Disabilities)).

IX. Corporal Punishment:

- A. The Board of Education prohibits the use of corporal punishment, pursuant to Section 19.5 of the Rules of the Board of Regents of the State of New York.
- B. Corporal punishment is defined as any act of physical force upon a pupil for the purpose of punishing that pupil, except as set forth in Section 19.5 of the Rules of the Board of Regents of the State of New York.
- C. The Board of Education has further directed the superintendent of schools to establish procedures for investigating complaints about the alleged use of corporal punishment and to submit required reports to the Commissioner of Education concerning complaints about the alleged use of corporal punishment.

X. Student Searches and Interrogations:

The Board authorizes the superintendent of schools, the building 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's code of conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive such as touching the outside of a book bag without responsible 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's employees, will be considered reliable informants if they:

1. Have previously supplied information that was accurate and verified
 2. Make an admission against their own interest
 3. Provide the same information that is received independently from other sources
 4. Appear to be credible and the information they are communicating related to is an immediate threat to safety.
- A. District employees will be considered reliable informants, unless they are known to have previously supplied information that they knew was not accurate. Before

searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that the student violated the law or the District's code of conduct, or to get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practical, searches will be conducted in the privacy of the administrative offices and students will be present when their possessions are being searched.

XI. Child Protective Services Investigation (Policy 5200 (Child Abuse and Maltreatment by a Parent or Other Personal Legally Responsible for the Child)):

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

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

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

worker may remove the student without a court order and without the parent's consent.

XII. Visitors to the Schools

A. Certain limitations must be set for visits to District schools by parents and other community members. The building principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must "sign in" in the hallway area and report to the office.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called, if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct (Policy #1240 (Visitors to Schools)).

XIII. Public Conduct on School Property

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

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The District recognizes

that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, will, among other things:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District.
11. Loiter on or about school property.

12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable District officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Possess, sell, use or share a cigarette, e-cigarette, cigar, pipe, chewing tobacco or smokeless tobacco on school grounds.

B. Penalties

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

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

C. Enforcement

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

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal

or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee will have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XIV. Dissemination and Review of the Code of Conduct:

A. The Board will publicize this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents of students in the District before the beginning of the school year and thereafter on request.
3. Posting the complete code of conduct on the District's website.
4. Providing all current teachers and other staff members with a copy of the code of conduct and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code of conduct available for review by students, parents and other community members.
7. The code of conduct will be publicized and explained to all students and distributed in writing to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual. Individuals wanting copies of the code of conduct may file a request with the District's record access officer.
8. The Board will sponsor staff workshops for all District staff members to ensure the effective implementation of the code of conduct. The

superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline. On-going professional development will be included in the District's professional development plan, as needed.

9. The Board of Education 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 the code of conduct's violations. The committee will be made up of representatives of student, teacher, administrator and parent organizations, schools safety personnel and other school personnel.

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

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 calendar days after adoption.

BOARD OF EDUCATION:

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