

***“Public Hearing on the  
Code of Conduct  
for Carle Place UFSD”***

**At the June 11, 2015  
Board of Education  
Meeting**

**Attached is the  
*Code of Conduct***

# **CODE OF CONDUCT**

*CARLE PLACE UFSD*

*Mr. David J. Flatley  
Superintendent of Schools*

*June 2015*

Adopted by the  
Board of Education on \_\_\_\_\_

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# Code of Conduct

## I. Introduction

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

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

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function, and supercedes all existing district policies. In all cases, the law of the State of New York takes precedence over this Code of Conduct.

The Code of Conduct has been updated to include information about the Dignity of All Students Act (DASA), which states that no student shall be subjected to harassment or discrimination by employees or students on school property or at school functions on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Students have the right to attend school in a safe, welcoming, and supportive environment where they can focus on their education. The underlying goal of DASA is to create a safe and supportive school climate where education is the focus, rather than a fear of being verbally, physically or electronically harassed or bullied.

## II. Definitions

For purposes of this Code, the following definitions apply.

- **“Dignity for All Students Act (DASA)”**: The Dignity For All Students Act (DASA) was signed into law by Governor Paterson on September 13, 2010. This legislation amended New York State Education Law by creating a new Article 2 – *Dignity For All Students*. The intent of DASA is to ensure that elementary and secondary school students have the right to attend school in an environment that is free of discrimination, harassment, and bullying.
- **“Dignity Act Coordinator”** is defined as the employee at each school who has been trained to handle human relations in the area of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,

gender and sex” and who will serve as a liaison to building and district administrators. For the 2014-2015 school year, the following individuals have been designated Dignity Act Coordinators for their respective buildings.

Cherry Lane - Nick Michael, 516-622-6461

Rushmore Elementary School, Nick Michael, 516-622-6461

Carle Place MS/HS, Lisa Laudante, 516-622-6415

- **“Parent”** means parent, guardian or person in parental relation to a student.
- **“Disruptive student”** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- **School Property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Educational Law Section 11[1]).
- **School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).
- **School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).
- **Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).
- **Gender Expression** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- **Gender Identity** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- **“Bullying”** means intentional, **usually** repeated acts of verbal, physical, or written aggression by a peer (or group of peers) operating from a position of strength or power with the goal of hurting the victim physically or damaging status and/or social reputation
- **Cyber bullying** means the repeated use of information technology, including email, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems to deliberately harass, threaten or intimidate others.
- **Sexting** means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email.
- **Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical

wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

- **Discrimination** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex..
- **"Violent student"** means a student under the age of 21 who:
  1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
  3. Possesses, while on school property or at a school function, a weapon, or threatens violence.
  4. Displays, while on school property or at a school function, what appears to be a weapon.
  5. Threatens, while on school property or at a school function, to use a weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function or attempts to do so.
  7. Knowingly and intentionally damages or destroys school district property or attempts to do so.
- **"Weapon"** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket 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 or when used to cause physical injury or death.
- With respect to the term "firearm" under the Gun-Free Schools Act, suspension is set at a minimum of one year. However, with respect to "weapons" other than firearms as defined under 18 U.S.C. §921 for purposes of the Gun-Free Schools Act, the District reserves the right to impose a term of suspension as it may deem appropriate, within the District's discretion.

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

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

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

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

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

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused, and be in class on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions. (see Dress Code)
10. Accept responsibility for their actions.
11. 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.
12. Refrain from bullying, harassment or discrimination of students on school property or school functions on the basis of a person's actual or perceived race,

color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

13. To respect one another and treat others fairly and in accordance with the District Code of Conduct and the provisions of the Dignity Act.
14. To report any incidents of intimidation, harassment or discrimination.

## **IV. Essential Partners**

### **A. Parents**

All parents have the responsibility to:

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

### **B. Teachers**

All district teachers have the responsibility to:

1. Maintain a climate of mutual respect and dignity 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-concept and promote confidence to learn.

2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
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. 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.
9. Maintain confidentiality in accordance with federal and state law.

### **C. Guidance Counselors**

All district guidance counselors have the responsibility to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/counselor conference, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. 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.

7. 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.
8. Maintain confidentiality in accordance with federal and state law.

#### **D. 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.
7. Maintain confidentiality in accordance with federal and state law.

#### **E. Principals and Other Building Level Administrators**

All district principals and other building level administrators have the responsibility to:

1. Promote a safe, orderly and positive school environment, conducive to active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the building level administrators in all matters.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

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. 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).
7. Maintain confidentiality in accordance with federal and state law.

#### **F. Superintendent and Other District Level Administrators**

All district level administrators have the responsibility to:

1. Promote a safe, orderly and positive school environment, conducive to active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with all administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Support a positive school/home partnership by encouraging parents to communicate concerns with the appropriate staff members or administrators.
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. Maintain confidentiality in accordance with federal and state law.

#### **G. Board of Education**

All Board of Education members have the responsibility to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.

3. Support a positive school/home partnership by encouraging parents to communicate concerns with the appropriate staff members or administrators.
4. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
5. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Maintain confidentiality in accordance with federal and state law.

#### **H. The Dignity Act Coordinators**

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. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
3. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevent policy.
4. 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 unlawfully on school property or at a school function.

#### **V. Student Dress Code**

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

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall be safe, appropriate and not disrupt or interfere with the educational process.

Students and parents recognize that:

1. Brief garments such as tank T-shirts, midriff tops, tube tops, net tops, halter tops, spaghetti straps, low-cut necklines (front and/or back) and see-through garments

are not appropriate for either gender and other forms of dress which do not cover the shoulder, chest, back and abdomen. Shorts, dresses and skirts must be appropriate length and not excessively short.

2. Underwear is completely covered with outer clothing.
3. Footwear is required at all times. Footwear that is a safety hazard will not be allowed.
4. Wearing hats in the school buildings in grades K – 8 is not permitted. Wearing head wraps or bandannas is not permitted in grades K – 12. Exceptions to these rules will be made for medical and/or religious reasons.
5. Items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, religion, creed, religious practice, national origin, gender, ethnic group, sex, sexual orientation, weight or disability are not permitted.
6. Items worn or carried that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage gang related or other illegal or violent activities are not permitted.
7. Additional rules that relate to a specific educational purpose such as science labs or physical education classes must be strictly adhered to.

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

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

## **VI. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. District administrators reserve the right to define inappropriate student behavior on a case-by-case basis.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and at the same time to place emphasis on the students' ability to grow in self-discipline. The rules of conduct listed below are intended to clarify and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties and/or consequences for their conduct.

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

**A. Engage in conduct that is disorderly and/or disruptive which interferes with the educational process. Examples of disorderly conduct include but are not limited to:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the classroom and/or school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of that building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
8. Littering on school property.
9. Inappropriate use of bicycles or bringing to school skates, skateboards, or scooters.
10. Unauthorized use of cell phones, beepers, CD players and other electronic devices, toys or games. Cell phones and other electronic devices may not be used in the school during the school day. The school day includes before/after school classes and/or co-curricular and/or extracurricular activities and during the administration of any test/assessment/examination.

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

1. Failing to comply with directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness to school or class, truant from school, cutting class or leaving school without prior permission.
3. Missing detention or failing to comply with other disciplinary penalties or consequences.
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function.

5. Harassment based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
7. 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.

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

1. Committing or attempting to commit an act of violence (e.g. hitting, kicking, punching, scratching) upon a teacher, administrator or other school employee.
2. Committing or attempting to commit an act of violence (e.g. hitting, kicking, punching, scratching) upon another student or any other person lawfully on school property.
3. Possessing a weapon, as defined by the Code of Conduct.
4. Display or threatening to use a weapon or what appears to be a weapon as defined by the Code of Conduct or threatening violence upon any person.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti, arson, or attempting to do so.
6. Intentionally damaging or destroying school district property including graffiti, arson, or attempting to do so.
7. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

**D. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of him or herself or others. Examples of such conduct include but are not limited to:**

1. Lying to school personnel or any form of forgery.
2. Stealing school property or the property of other students, school personnel or any other person attending a school function whether on or off school property.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group or individuals that harm the reputation of the person or the identifiable group by demeaning them.

4. Discrimination on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
  5. Harassment, which includes a sufficiently severe action or a 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, or threatening. Harassment is also the creation of a hostile environment.
  6. Intimidation, and/or extortion which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. 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.
  8. Selling, using or possessing or distributing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  11. 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 or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
  12. Inappropriately using or sharing prescription and/or over-the-counter drugs.
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body, consistent with the District Dress Code.
  15. Initiating a report warning of fire or bomb threats or other catastrophe without valid cause, misuse of 911, discharging a fire extinguisher, or falsely initiating a fire alarm.
  16. Driving in a reckless or careless manner while on or near school grounds.
- E. It is crucial for students to behave appropriately while riding on District buses and/or other school-sponsored transportation to ensure their safety and that of other passengers and to avoid distracting the bus driver or transportation operator. Students are required to conduct themselves on the bus and/or other school-sponsored transportation in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.**

**F. Engage in any form of conduct that compromises academic integrity. Examples of academic misconduct include but are not limited to:**

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Communicating by any means information intended by the district to remain secure, including but not limited to test questions and answers.

**Any significant violation of the Code of Conduct may jeopardize a student's designation as Valedictorian or Salutatorian, regardless of class rank.**

## **VII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal, Dignity Act Coordinator or other administrator. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school functions shall report this information immediately to a teacher, the Building Principal, or other administrator. Any student having information regarding a situation that may endanger his/her/other life and safety **MUST** immediately report this information to a teacher, guidance counselor, the Building Principal or other administrator.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The Building Principal or his or her designee must notify by telephone the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his or her designee learns of the violation. Discretion as to which offenses arise to the level requiring the District to notify local enforcement agencies is left to the Superintendent of Schools.

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

Discipline is most effective when it deals directly with the problem at the time and place it occurs. 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. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. In certain circumstances, community service or some other requirement may be assigned in lieu of the specified penalties.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and 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. 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.

Students who accept leadership roles in the District's co-curricular and/or extra-curricular programs are also subject to the requirements of the Code of Conduct in such roles. Therefore, in addition to the other penalties delineated herein, such student leaders who are found to be in violation of the Code may be subjected to penalties directly addressed to their leadership positions. Examples of student leadership positions may include, but are not limited to, officers of clubs, honor societies, and/or student government organizations, athletic team captains and participants in student performing groups. Specific sanctions may include the suspension or revocation of these leadership positions and may be determined by the building principal, the superintendent and/or the superintendent's designee.

1. Oral warning – any member of the district staff.
2. Written warning/notification to parent – coaches, guidance counselors, teachers, administrators.
3. Detention – teachers, administrators.
4. Suspension from transportation – director of transportation, principal, superintendent, and/or designee.
5. Suspension from athletic participation – athletic director, coaches, principal, superintendent, and/or designee.
6. Suspension from social or extracurricular activities – principal, superintendent, and/or designee.
7. Suspension of other privileges – principal, superintendent, and/or designee.
8. Suspension or revocation of leadership positions – principal, superintendent, and/or designee.
9. In-school suspension – principal, superintendent, and/or designee.
10. Removal from classroom by teacher – teachers, principal, and/or other administrator.
11. Short-term (five days or less) suspension from school – principal, superintendent.
12. Long-term (more than five days) suspension from school – superintendent and/or designee.
13. Permanent suspension from school – superintendent, Board of Education.
14. Restitution for property damage – principal, superintendent, and/or designee.
15. Confiscation of inappropriate items. These items may include, but are not limited to, communication devices, cell phones, cameras, portable computers, electronics, music players – principal, superintendent, and/or designee.
16. Any significant violation of the Code of Conduct may jeopardize a student's designation as Valedictorian or Salutatorian, regardless of class rank.

## **B. Procedures**

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

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

## 1. Detention

Teachers, principals or their designee and the superintendent may use school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Every effort will be made to contact the parent to confirm that there is no objection to the penalty and the student has appropriate transportation home following detention.

## 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus or other school-sponsored transportation, the bus driver or transportation operator is expected to bring such misconduct to the building principal's or his/her designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building 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.

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

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

A student subjected to 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 building principals or designees and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

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: (1) short-term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student to the Principal’s office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for voluntary counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. The Principal may extend the removal from class for up to five days, upon further investigation.

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

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

The teacher must complete a disciplinary 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 principal’s secretary and meet with the Principal or designee as soon as possible on the next school day.

Within 24-hours after the student’s removal, the Principal or another district administrator designated by the Principal must notify the student’s parents that the student has been removed from class and the reasons for the removal. The Principal or his/her designee 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 at a mutually convenient time. 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. 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:

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

The Principal or his or 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, 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.

The Principal should keep a log of all removals of students from class.

Formal removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may formally 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. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

#### 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 places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct. These 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 making the referral.

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

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

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the

student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student will 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 suspend 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. This oral notification shall in no way be considered a substitute for the required written notification.

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

Parents who are not satisfied with the Principal's decision and who wish to pursue the matter must file a written appeal to the Superintendent within ten (10) business days following the suspension unless they can show extraordinary circumstances prevented them from doing so. Such appeal shall not interfere with the student's serving of the suspension. The Superintendent shall issue a written decision regarding the appeal within ten (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 within ten (10) business days of the date of the Superintendent's decision. Only final decisions of the Board of Education may be appealed to the Commissioner within thirty days of such decision.

**b. Long-term (more than 5 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 District will pursue every avenue to ensure the rights of the complaining witness(es).

The Superintendent shall personally hear and determine the proceeding. The Superintendent 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 Superintendent shall make findings of fact and recommendations as to the appropriate measure of discipline.

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 ten (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 within 30 days of the decision.

### **c. Permanent suspension**

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

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

### **1. Students who bring a weapon to school.**

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. Input from Building Administrators.
5. The type of weapon involved.
6. Other extenuating circumstances.

### **2. 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, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum of at least two days, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least two days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law

§3214 (3-a) and this Code on four or more occasions during a semester. If the proposed penalty is a 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 a 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 suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Referrals**

##### 1. Counseling

The Guidance Office/Social Workers/School Psychologist shall handle all referrals of students to counseling.

##### 2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

##### 3. Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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

### **IX. Alternative Instruction**

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

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

The Board of Education of the Carle Place Union Free School District recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities. The District also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline on them. In this regard, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities, will conform with the procedural safeguards required by the Individuals With Disabilities Education Act ("IDEA"), Article 89 of the Education Law, their corresponding regulations, and any other applicable laws and regulations. In this regard, this policy affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

1. In accordance with the federal and state procedural protections applicable to the discipline of students with disabilities:
  - a. A suspension means a suspension pursuant to Education Law §3214.
  - b. A removal means a removal for disciplinary reasons from the student's current educational placement other than a suspension, and change in placement to an interim alternative educational setting ("IAES") ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.
  - c. An IAES means a temporary educational placement for a period of up to 45 days, other than a 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 includes services and modifications to address the behavior which precipitated the IAES placement, that are designed to prevent the behavior from recurring. The CSE shall be responsible for determining the nature of the IAES as well as the services to be provided to the student.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the Superintendent, or a building principal, may suspend a student with a disability 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. If the suspension is for 5 consecutive school days or less, the parents or guardians shall be provided with an opportunity for an informal conference.

- b. The Superintendent of Schools may impose a 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, and provided that appropriate due process procedures have been followed.
    - c. The Superintendent of Schools may order additional suspensions of not more than 10 consecutive school days in the same year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
    - d. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services, as required by federal and state law.
  3. Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:
    - a. The Superintendent of Schools or hearing officer in the superintendent's hearing shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the Superintendent of Schools or hearing officer in the superintendent's hearing, shall make a threshold determination of whether a suspension or removal in excess of 10 consecutive school days or that would otherwise constitute a disciplinary change in placement should be considered. If a threshold determination is made that such a suspension or removal should be considered, before the Superintendent of Schools orders or the hearing officer in the superintendent's hearing recommends any such removal, a manifestation determination shall be made by the Committee on Special Education ("CSE"), except as otherwise provided herein. If the Superintendent of Schools or hearing officer determines that a suspension or removal that would constitute a disciplinary change in placement should not be considered, the hearing shall proceed to the penalty phase.
    - b. In making the manifestation determination, the CSE shall consider all relevant and diagnostic and evaluative information, including reports by the parents, observations of the child, the child's IEP and placement. The CSE shall also consider whether, in relationship to the behavior that is subject to the disciplinary action:
      - i. The IEP and placement were appropriate;
      - ii. The supplementary aides and services and behavior intervention strategies were provided consistent with the student's IEP and placement;
      - iii. The disability did not impair the child from understanding the impact and consequences of the behavior that lead to the disciplinary action;
      - iv. The disability did not impair the ability of the child to control the behavior subject to the disciplinary action.

- c. Upon a determination by the CSE that the behavior of a student with a disability was not a manifestation of the student's disability, such a student may be disciplined in the same manner as a non-disabled student, except that such student shall continue to receive services in accordance with federal and state law. Upon receipt of notice of such determination, the Superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing. If the CSE determines that the behavior was a manifestation of the student's disability, the Superintendent or hearing officer in the superintendent's hearing shall dismiss the superintendent's hearing, except as otherwise provided herein.
- d. The above notwithstanding, the Superintendent of Schools may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but for 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.
  - i. The term weapon means the same as "dangerous weapon" under 18 U.S.C. §930 (g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except ...[for] a pocket knife with a blade of less than 2 ½ inches in length."
  - ii. Controlled substance means a drug or other substance identified in certain provisions of the federal Controlled Substances Act as specified in both federal and state law and regulations.
  - iii. 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.

**Similarly, subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.**

### **Change of Placement Rule**

1. **A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:**
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

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 if the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

#### **1. The District's Committee on Special Education shall:**

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under the IDEA and Article 89, at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. It shall be the responsibility of the Superintendent, Building Principal or other school official imposing a suspension or removal to determine whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that they had knowledge the student was a student with a disability, the District either:
  - i. conducted an individual evaluation and determined that the student is not a student with a disability, or
  - ii. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. The expedited evaluation must be performed within 15 school days after the receipt of the request for the evaluation. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The notice of disciplinary removal shall be accompanied by the procedural safeguards notice prescribed by the Commissioner of Education.

### **Expedited Due Process Hearings**

1. **An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education, 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.

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

### **Referral to Enforcement and Judicial Authorities**

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

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

#### **References:**

Education Law §3214, 4401  
8 NYCRR Part 201  
20 U.S.C. 1415(k)  
34 C.F.R. §300.519, et. seq.

## **XI. Corporal Punishment**

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

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

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

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

## **XII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any 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, building administrators, the school nurse and officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated 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, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants.

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.

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

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places.

Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

## **B. Documentation of Searches**

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

The Building Principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal item(s) to police authorities.

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

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

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

Before police officials are permitted to question or search any student, the Building Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parents cannot be contacted prior to the police questioning or the search, the questioning or search shall be conducted in the presence of the Principal or his/her designee. The Principal or designee will be present during any police questioning or search of a student on school property or at a school function.

## **D. 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 relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The Principal or his or her designee shall set the time and place of the interview. The Principal or designee will be present during the interview. If the nature of the allegations is such that it may

be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless that worker reasonably believes that the student would be subject to danger of abuse if not 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.

### **XIII. Visitors to the Schools**

Schools are a place of work and learning, certain limits must be set for all visits. The Building Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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

### **XIV. Public Conduct on School Property**

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

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

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a student, 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. Unlawfully intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after being asked to leave or after the building 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. Smoking anywhere on school grounds.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## **B. Penalties**

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

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

## **C. Enforcement**

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

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

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

## **D. Restitution for loss or destruction of District property**

The District is authorized to seek restitution, including through civil action when necessary, from the parent or guardian of a non-emancipated student, where such student:

- a. Has willfully, maliciously, or unlawfully damaged, defaced, or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b. Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In addition, the District may require payment for lost or damaged books or other District equipment.

**E. False Reporting of an Incident and/or Placing a False Bomb:**

A school district is also authorized to seek restitution, as described by law, from a parent or guardian of a non-emancipated student, where such student:

- a. Has falsely reported an incident; or
- b. Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a bomb shall mean the funds reasonably expended by the school district in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in the law.

In seeking restitution, the school district shall file with the Court, District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law §3-112.

**XV. Dissemination and Review**

**A. Dissemination of Code of Conduct**

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

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Making copies of the Code available to all parents at the beginning of the school year.
4. Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.

6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.
8. Posting the name, designated school building and contact information of each Dignity Act Coordinator in the plain language summary of the code of conduct.
9. Including the name, designated school and contact information of each Dignity Act Coordinator in at least one district or school mailing per year to parents and persons of parental relation, and if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter.
10. Posting the name, designated school building and contact information of each Dignity Act Coordinator in highly-visible areas of school buildings.
11. Making the name designated school and contact information of each Dignity Act Coordinator available at the district and school-level administrative offices.

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

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

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

Adopted by the Board of Education on:

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