

## CODE OF CONDUCT

### I. Introduction

The intent of this Code of Conduct is to promote responsible behavior that creates an orderly and safe school environment. It is the belief of the Town of Webb UFSD that everyone in our community must strive toward contributing to this goal. The objective is to develop a moral school community based on:

Responsible Behavior:	Use self-control in your actions and language.
Mutual Respect:	Treat yourself and others with care and consideration.
Concern for Others:	Be truthful, honest and fair in your dealings with others.
Cooperation:	Listen and work together to make a positive contribution.
Personal Excellence:	Put forth your best effort in whatever you attempt.

### II. Definitions

For the purposes of the code, the following definitions apply:

**“Disability”** means (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law Section 11[4] and Executive Law Section 292[21]).

**“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.

**“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law Sections 11[4] and 1125[3]).

**“Gender”** means actual or perceived sex and includes a person’s gender identity or expression. (Education Law Section 11[6]).

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

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

**“School Bus”** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

**“School Function”** means any school-sponsored extracurricular event or activity. (Education Law Section 11[1]).

**“School Property”** means in or within any building, structure, athletic playing field, parking lot or land contained within the real boundary line of a public elementary or secondary school, or on a school bus, as defined in Vehicle and Traffic Law 142.

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**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality.

**“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. Threatens to commit or attempts to commit, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function.
3. Possesses, displays, or threatens while on school property or at a school function, a weapon or what appears to be a weapon.
4. Knowingly and intentionally damages or destroys school property, or the personal property of any school employee or any person lawfully on school property or at a school function.

**“Weapon”** means a firearm as defined in 18 USC 921 or Education Law 3214 (3) for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that has been designed to cause physical injury or death when used for such purposes.

### III. Student Rights and Responsibilities

#### A. Student Rights

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

1. Be free from harassment, discrimination, or bullying on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex, or disability by students or staff.
2. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex, or disability.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
4. Be suspended from instruction only after their rights pursuant to Education Law 3214 have been observed.
5. Take part in student government activities unless properly suspended from participation through disciplinary action.
6. Address the Town of Webb UFSD School Board of Education on the same terms as any citizen.

#### B. Student Responsibilities:

All Town of Webb UFSD students have the responsibility to:

1. Contribute to maintaining a safe 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 everyday unless they are legally excused (sickness, serious sickness or death in the immediate family, weather, religious days, quarantine, or court appearance) and be punctual to class, prepared to learn and cooperative.
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 strategies for self-discipline and self-control.
7. Ask questions when they do not understand and respectfully respond when questioned.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions recognizing that the school is a place for learning and work.

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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 engaging in discrimination, harassment, and bullying behavior on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex, or disability, whether in person, on line, or via text messaging.

#### IV. **Educational Partners**

##### A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school well-rested, well-nourished and ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are legally excused.
5. Call and request work for their child if the child is or will be absent for more than two days
6. Insist their children be dressed and groomed in a manner consistent with the student dress code. (See page 8)
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know and follow school rules and help their children understand them.
9. Convey to their children a supportive attitude toward education and the Town of Webb UFSD.
10. Build respectful relationships with school personnel, other parents, other students and communicate regularly with teachers.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place of study and ensure homework assignments are completed.
14. Be a positive role model to students.
15. Know the academic and graduation requirements for their children.
16. Be responsible for their child's behavior and safety to and from school.

##### B. Faculty

All Town of Webb UFSD Faculty are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic origin, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Confront issues of discrimination and 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.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.
5. Be prepared to teach the district's curriculum and to accommodate a variety of learning styles.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair, appropriate and consistent manner.
8. Communicate to students and parents:
  - a) Course standards, objectives and requirements
  - b) Marking/grading procedures
  - c) Expectations for students

- d) Classroom discipline plan
- e) Assignment deadlines
- 9. Teach expected behaviors
- 10. Assist students in coping with-emerging personal, social and emotional needs.
- 11. Maintain confidentiality of sensitive information.
- 12. Communicate regularly with students, parents, coaches and other teachers concerning growth and achievement.
- 13. Respectively respond to student questions in a timely manner.
- 14. Be a positive role model to students.
- 15. Initiate conferences with faculty and parents, as necessary, as a way to resolve problems.
- 16. Regularly review with students their educational progress
- 17. Assist students with goals for the future.
- 18. Encourage students to benefit from the co-curricular and extracurricular programs.

C. Support Staff/Non-Teaching Personnel

All Support Staff/Non-Teaching Personnel are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic origin, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Confront issues of discrimination and 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.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention in a timely manner.
5. Create and maintain a climate of mutual respect and dignity.
6. Know school policies and rules and enforce them in a fair and consistent manner.
7. Act in a manner to build a trusting relationship with essential partners.
8. Support a positive attitude to the learning process.
9. Maintain confidentiality of sensitive information.
10. Be a positive role model to students.

D. Administrators

Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic origin, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Confront issues of discrimination and 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.
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
5. Investigate incidents of discrimination and harassment that are witnessed or otherwise brought to an administrator's attention in a timely manner.
6. Ensure that students, parents and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
7. Evaluate on a regular basis all instructional programs.
8. Maintain confidentiality of sensitive information.
9. Support the development of and student participation in extracurricular activities.

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10. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
11. Be positive role models to students.

E. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating environment, supporting active teaching and learning.
2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic origin, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
3. Confront issues of discrimination and 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.
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
5. Investigate incidents of discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner. Ensure that administrators and other staff members are promptly and adequately addressing these issues.
6. Review with the building administrator the policies of the Board of Education and state and federal laws relating to school operations.
7. Inform the Board about educational trends relating to student discipline.
8. Maintain confidentiality of sensitive information.
9. Work to create instructional programs that emphasize high standards, minimize problems of misconduct, and are sensitive to student and teacher needs.
10. Work with building administrator in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
11. Be a positive role model to students.
12. Recommend the appointment of one staff member to be the Dignity Act Coordinator and ensure that such appointed staff member is properly trained in their duties and responsibilities under the law.

F. Town of Webb UFSD Board of Education

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school 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. Confront issues of discrimination and 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.
3. Adopt and review at least annually the district's code of conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
4. Maintain confidentiality of sensitive information.
5. Conduct Board meetings in a professional, respectful and courteous manner.
6. Be a positive role model to students.
7. Upon the recommendation of the Superintendent, appoint one staff member as the Dignity Act Coordinator.

V. **Student Academic Conduct**

All Town of Webb UFSD students are expected to put forth their best efforts academically. Their work should honestly represent their knowledge and understanding of the academic fields of study. Students are prohibited from engaging in academic misconduct, which includes: plagiarism, cheating, copying, altering records, computer misuse and assisting another student in any of these listed actions.

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## VI. **Student Dress Code**

All Town of Webb UFSD students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. It is difficult to list every inappropriate dress as fashions change; the guiding principle is that school is a place of business and learning. We should all dress so that everyone can work and learn. 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 shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process (i.e. A hood may not be covering the head).
2. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
3. Recognize that extremely brief garments that reveal or expose skin between the upper chest and mid-thigh areas, such as tube tops, net tops, halter-tops, spaghetti straps; plunging necklines (front and/or back) and see-through garments are not appropriate.
4. Ensure that underwear is completely covered with outer clothing.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of head coverings (hats, visors, hairdo rags, -bandanas) except for a medical or religious purpose.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not include accessories that may pose a threat or danger to one's self or others.

Students need to place all outdoor wear (hats, coats, jackets, etc.) in their lockers upon entering the school. These items will be confiscated if worn during the school day. Consideration will be given to climatic conditions of the building. Also, in certain areas of the building, such as shops and labs, safety codes will dictate dress. Teachers in these areas will explain what is needed.

The building principal or his designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and of 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 (can be provided). 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.

## VII. **Prohibited Student Conduct**

The Town of Webb UFSD 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.

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 behavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow through self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and to provide examples that 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 for their conduct.

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

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- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
1. Unreasonable noise.
  2. Using language or gestures that are profane, lewd, vulgar or abusive.
  3. Property damage to student, staff and/or district property.
  4. Any willful act, which disrupts the normal operation of the school community.
  5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without the permission from the supervisor/administrator in charge of the building.
  6. Computer/electronic communications misuse, including any unauthorized use of; computers, software, or internet/intranet account; accessing inappropriate websites and any other violation of the district's acceptable use policy.
  7. Forgery (signing a name- as yourself or another - in order to deceive).
  8. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with reasonable directions of teachers, school administrators, or other school employees in charge of students, or otherwise demonstrating disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
  4. Lying to school personnel.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Throwing of objects.
  2. Physical displays of affection.
  3. Improper use of school property.
  4. Physical horseplay or any behavior that violates the rights of others or interferes with student learning or activities.
- Articles that may disrupt the educational environment (including but not limited to portable video game players, laser pointers, headphones, ear buds, media players (iPods), cell phones, playing cards, dice, electro shock items etc.) may be confiscated. Items that create potential safety hazards for others (including but not limited to skateboards, water pistols, lighter(s), matches, roller blades, 'roller' sneakers, chains, etc.) will be confiscated. Headphones will not be allowed to be worn in the halls.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence, threatening or attempting to do so (such as hitting, kicking, punching, biting, scratching and use of any type of physical force) upon another student, any person lawfully on school property, teacher, administrator, or other school employee.
  2. Possessing a weapon and/or ammunition. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Threatening to use any weapon or what appears to be a weapon.
  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 or arson.
  6. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Intimidation, which includes engaging in actions or statements that cause fear or bodily harm to individual(s).

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2. Discrimination, which includes the use of perceived or actual race, color, weight, national origin, ethnic group, religion, religious practice, gender or sex, sexual orientation or disability as a basis for treating another in a negative manner.
  3. Harassment, of any type which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which is intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  5. 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.
  6. Selling, using or possessing obscene material.
  7. Using vulgar or abusive language, cursing or swearing.
  8. Using, possessing, selling, distributing or exchanging any tobacco products (including but not limited to cigarettes, cigars, chewing tobacco, electronic smoking alternatives, lighters, and matches).
  9. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either “illegal substances” include, but are not limited to inhalants, marijuana, cocaine, ecstasy, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any other substances commonly referred to as “designer drugs” or possession of drug paraphernalia.
  10. Inappropriately using or sharing prescription and over-the-counter drugs.
  11. Indecent exposure, that is, exposure to sight of the private parts of the body.
  12. Gambling.
  13. Initiating a report warning of fire or other catastrophe, or bomb threat (which is a felony crime) without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on the school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated and may lead to suspension of bus privileges by the director of transportation.
- G. Engage in the improper use of a cell phone or other electronic device during the instructional day in such a way that interferes with the operational needs of the District or presents a safety hazard. (An exception will be made for student cell phone use with permission from a staff member where extenuating circumstances exist that warrants such use).

**First Offense:** The electronic device will be confiscated and a verbal warning will be given to the student, with a notation made in the student’s file. The student will be permitted to retrieve the electronic device from administration at the end of the school day.

**Second Offense:** The electronic device will be confiscated and a written warning will be issued to the student. The student’s parent or guardian must retrieve the electronic device from administration and the student will receive a lunch detention.

**Third Offense:** The electronic device will be confiscated, the student’s parent or guardian will be required to retrieve the device from administration, and the student will be given one day of detention.

**Further Offense:** The building Principal will determine further consequences after three offenses. The right to carry a cell phone may be revoked at any time after the third offense.



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In instances where the student's conduct is egregious or the student has engaged in misconduct in addition to his/her violation of the cell phone policy, the district reserves the right to initiate student discipline at any of the levels above.

### **VIII. Reporting Violations**

All students are obligated to promptly report violations of the Code of Conduct. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function or knowledge of possible acts of violence shall report this information immediately to a teacher, the building principal, any staff member or superintendent of schools. Failure to do so may result in disciplinary and/or legal action. All efforts will be made to keep the identity anonymous.

All District staff must, upon receipt of a complaint or information regarding a possible issue of harassment, discrimination or bullying, must promptly and thoroughly investigate the situation and take appropriate remedial action. All District staff who witness incidents of harassment, discrimination, or bullying must immediately and appropriately address the situation or, if unable to address the situation themselves, to report it to the appropriate administrator or other staff member.

All District staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their building principal or his/her designee.

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/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his designee learns of the violation.

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

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

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

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from the 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.

#### **A. Penalties**

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

1. Oral warning – any member of the district staff.
2. Written warning – principal or designee, superintendent.
3. Written referrals – aides, non-teachers, coaches, school counselors, teachers, principal or designee, superintendent.
4. Offer of Peer mediation – teachers, school counselors, principal or designee
5. Detention – teachers, principals, superintendent.
  - A. Teacher detention – teachers

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B. General detention – principal or designee, superintendent

6. Suspension from athletic participation, social, or extracurricular activities – coaches, principal or designee, superintendent, athletic director, activity director.
7. Suspension of other privileges – principal or designee, superintendent.
8. In-school suspension – principal or designee, superintendent.
9. Removal from the classroom by teacher or substitute teacher– teachers, principal or designee.
10. Short term (five days or less) suspension from school – principal or designee, superintendent, Board of Education.
11. Long term (more than five days) suspension from school – superintendent, Board of Education.
12. Permanent suspension from school – superintendent, Board of Education.
13. Legally placed supervision (PINS) /Family Court – school counselor, principal or designee.
14. Outside counseling/conflict resolution – teachers, principal or designee, school counselors, social workers.
15. Police/legal involvement – principal, teacher, parent, school counselor or any member of the school community.
16. Damage reimbursement – vandalism or destruction of school property (\$25 minimum) – principal or superintendent.

B. Remediation

As part of the effort to maintain and create a positive learning environment for all students, the District will engage in remedial action to address situations that arise. All remediation will be measured, balanced, and age-appropriate response to the discrimination and harassment of students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Appropriate remedial measures may include, but are not limited to:

1. Peer support groups, corrective instruction, or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored; and
5. Student counseling and parent conferences.

In addition to these individualized remediation strategies, the District may engage in school-wide or environmental remediation to prevent discrimination and harassment. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment;
2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research-based, systemic harassment prevention programs;

Modification of schedules;

4. Adjustment in hallway traffic and other student routes of travel;
5. Targeted use of monitors;

Staff professional development;

6. Parent Conferences;
7. Involvement of parent-teacher organization; and

Peer support groups.

C. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. 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 referral to their parents are entitled to the additional rights explained below.

1. Detention

Teachers and administrators may keep a student after school, provided there is no parental objection and the student has appropriate transportation home.

2. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension”.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official who imposed the in-school suspension to discuss the conduct and the penalty involved.

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

A student subjected to a suspension from athletic participation, 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 who imposed the suspension to discuss the conduct and the penalty involved.

4. Teacher disciplinary removal of disruptive students.

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- a) short-term “timeout” in an administrator’s office;
- b) sending a student into the hallway briefly;
- c) sending a student to the principal’s office for the remainder of the class time only;
- d) sending a student to a school counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, these various classroom management techniques may not eradicate the disruptive behavior. 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 the teacher’s instructions or classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two class periods. The removal from class applies to the class of the removing teacher only.

Before a student is removed, the student, teacher, and administrator must have an informal meeting to explain to the student why he/she is being removed and to allow the student the opportunity to express his/her version of the events.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student’s removal at the last known address for the parents. Where possible, notice should also be provided by telephone.

If at the parental meeting the student denies the charges, the teacher 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 parental meeting must be held within 48 hours of the student's removal. The timing of the meeting may be extended by mutual agreement of the parent and teacher.

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

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

The principal or his 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.

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

Removal of a student with a disability, or a student presumed to have a disability for disciplinary purposes, may under certain circumstances constitute a change in the student's placement. Accordingly, no teacher may remove a student 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.

## 5. Suspension from School

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

The Board retains its authority to suspend students but places primary responsibility for the suspension of students with the superintendent and the building principal.

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

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

Regardless of the length of suspension, students are not allowed to attend or participate in any school function, or be on any school property (to include buses except for transportation to the out-of-school suspension location), during the time of suspension.

### 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, the suspending authority must immediately notify the student orally, and 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 of the proposed suspension and their right to an informal meeting with the Building Principal prior to the suspension being enacted. If the student poses a danger to him/herself or others, or poses a disruption

to the educational environment the suspension may occur immediately and the parents maintain the right to meet informally with the Building Principal. Where possible, notice should also be provided by phone.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

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

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

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

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be made in writing and submitted to the district clerk within ten 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 thirty (30) days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life threatening danger to the safety and well-being of other students, 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 (Page 2, II "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. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

2. Students who commit violent acts (Page 7, VII, D) other than bringing a weapon to school

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

minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The superintendent has the authority to modify the minimum five-day suspension on a case-by case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school for up to five days. For the 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) on two or more occasions. If the proposed penalty is the minimum one-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the five-day suspension, the student and the student's parents will be given the same notice and opportunity given to students subject to a long-term suspension. The superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### A. Referrals

1. Counseling

School counselors, psychologists, and social workers will work with parents when referring students in need of identified outside services.

2. Legally placed supervision

The district may file a petition (PINS) 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 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 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 including filing a criminal complaint in appropriate circumstances.

#### X. **Alternative Instruction**

When a teacher removes a student of any age from class or a student of compulsory age is suspended from school, the district will take immediate steps to provide alternative means of instruction for the student.

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

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are afforded certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulation.

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

1. For purposes of this section of the code of conduct, the following definitions apply.
  - A “suspension” means a suspension pursuant to Education Law §3214.
  - A “removal” means a removal for disciplinary reasons from the student’s current alternative educational setting other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - An “Interim Alternative Education Setting” (IAES) means a temporary educational placement for a period of up to 45 school days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that
    - a) Enables the student to continue to progress in the general curriculum, although in another setting.
    - b) To continue to receive those services and modifications, including those described on the student’s current individualized education program (I.E.P.), that will enable the student to meet the goals set out in such I.E.P., and
    - c) Include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a) The Board, the district (BOCES) Superintendent of Schools or a school principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c) The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a firearm to or at school or to or at a school function, or the student knowingly possesses or uses illegal drugs or sells, distributes or solicits the sale of a controlled substance while at school or a school function.
  - e) 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 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a) For more than 10 consecutive school days; or
  - b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in a IAES for behavior involving firearms, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:
  - a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving firearms, illegal drugs or controlled substances or the infliction of serious bodily harm. If subsequently, a student with a disability who has a Behavioral Intervention Plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either:
    - 1) For misconduct involving firearms, illegal drugs or controlled substances; or
    - 2) because maintaining the student in his current educational setting poses a risk of harm to the student or others; or
    - 3) A decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a) The Superintendent, school principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.



- b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
- 1) Conducted an individual evaluation and determined that the student is not a student with a disability; or
  - 2) Determined that an evaluation was not necessary and provided notice to the parent of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
  - 3) The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving firearms, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
  - 4) The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
  - 5) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
  - 6) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
  - 7) During any period of suspension or removal, including placement in an IAES, student with disabilities shall be provided services as required by the Commissioner's regulation incorporated into this code.

#### D. Expedited Due Process Hearings

An expedited due process hearing is an impartial hearing conducted under the procedures specified in S200.5 of regulations of the Commissioner when there is a dispute between parents and school personnel regarding disciplinary actions and to initiate temporary removals of a student in a dangerous situation. An expedited due process hearing shall be conducted in a manner specified by the Commissioner's regulations incorporated into this code, if:

1. 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.

2. 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.
  - a) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving firearms, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - b) 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.
3. An expedited due process hearing shall be completed within 20 school 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 10 school days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

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

## **XII. Corporal Punishment**

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

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

Protect oneself, another student, teacher or any person from physical injury.

- A. Protect the property of the school or others
- B. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

## **XIII. Student Searches and Interrogations**

The Town of Webb UFSD 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 parents before questioning the student. However, school officials will tell all students why they are being questioned.

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In addition, the Board authorizes the superintendent, building principal, building assistant principal, the school nurse and district security official 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. Searches may include use of electronic metal scanner (hand-held wand).

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

An authorized school official may search a student or the student's belongings based upon the information received from a reliable source. Individuals, other than the district employees, will be considered reliable sources if there is a reasonable belief that a violation of the Code of Conduct or law has occurred.

Before searching a student or 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 Code of Conduct or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched and at least one other staff member will be present. The scope of the search must be reasonably related to the object of the search. Consideration should be given to the age and sex of the student(s), and nature of the infraction.

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

#### B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer garment such as a coat or jacket. Strip searches are intrusive in nature and are never justified in a school setting. If school officials have highly credible evidence that a student poses an imminent danger, or if school authorities believe there is an emergency situation that could threaten the safety of others, the student will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

#### C. Documentation of Searches

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

- 1) Name, age, and grade of the student searched.
- 2) Reasons for the search.
- 3) Name of the informant(s).
- 4) Purpose of the search (that is, what item(s) were being sought).
- 5) Type and scope of the search.
- 6) Person conducting the search.
- 7) Witnesses, if any, to the search.
- 8) Time and location of the search.
- 9) Results of the search.
- 10) Disposition of items found.
- 11) Time, manner and results of parental notification.

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

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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 items to police authorities.

#### D. 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 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 any student under the age of sixteen, the police official, 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. If the student's parent cannot be contacted prior to the police questioning, the police official shall determine, based on the totality of the circumstances, if the student shall be questioned on school property or at school functions. The principal or designee will also be present during any police questioning of a student on school property or at a school function.

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

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

#### E. 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 or workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective service worker to verify the allegations, the school nurse or other appropriate district 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 district official of the opposite sex.

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

### **XIV. Visitors to School**

The Board of Education encourages parents and other district citizens to visit the district's school and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however,

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certain limits must be set for such 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 school visitors.

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
- C. During regular school hours all visitors to the school must report to the main office/school greeter 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 main office/school greeter before leaving.
- D. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- E. Parents or citizens who wish to observe a classroom while school is in session are required to obtain administrative approval and arrange for such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- F. Teachers are not expected to take class time to discuss individual matters with visitors.
- G. Visitors attending school functions that are open to the public outside or inside of the school day, such as parent-teacher organization meetings or public events are not required to register at the main office.
- H. Student Sponsored Visitors. Students may bring a student from another district to Town of Webb UFSD if: (a) the visitor is a current 9<sup>th</sup> through 12<sup>th</sup> grade student in good standing at their home school; (b) the school they attend is either closed on the day of the visit or the school they attend is too far away for the visitor to attend; (c) if the host student is in good academic and or behavioral standing; (d) the host student has prior written permission from each of the teachers he/she will have on the day of the visit; the host student has written permission from his/her principal at least 24 hours in advance of the visit; the visitor must sign in at the main office and wear the visitor's pass throughout the day.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For the 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 for which 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 property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, defame, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Use any type of tobacco; possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Use cell phones and other electronic devices in a manner which interferes with the operational needs of the district.
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 a 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 designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or designee shall have the individual removed immediately from school property or 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, according to 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.

505.00

**XVI. Dissemination and Review****A. Dissemination of the Code of Conduct**

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

1. Reviewing the code each year.
2. Making the complete Code of Conduct available on the district web site. Complete copies will be found in each school library, the public library, and are made available at the school's main office.
3. Mailing a plain language summary of the Code of Conduct to the residence of each student.
4. Providing training to staff and students on the contents of the Code of Conduct and their obligations under the Code. Such training shall specifically focus on the changes brought about by the Dignity for All Students Act.

**This code and the penalties set forth herein are not considered to be inclusive or to be precluded in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty therein.**

APPROVED: 6/19/01

REVISED: 9/3/02, 8/5/03, 8/10/04, 8/9/05, 7/5/06, 8/15/06, 12/2/08, 8/4/09, 8/17/10, 8/16/11, 8/14/12, 9/4/12, 8/13/13, 8/18/15, 10/22/2020, 9/8/2022