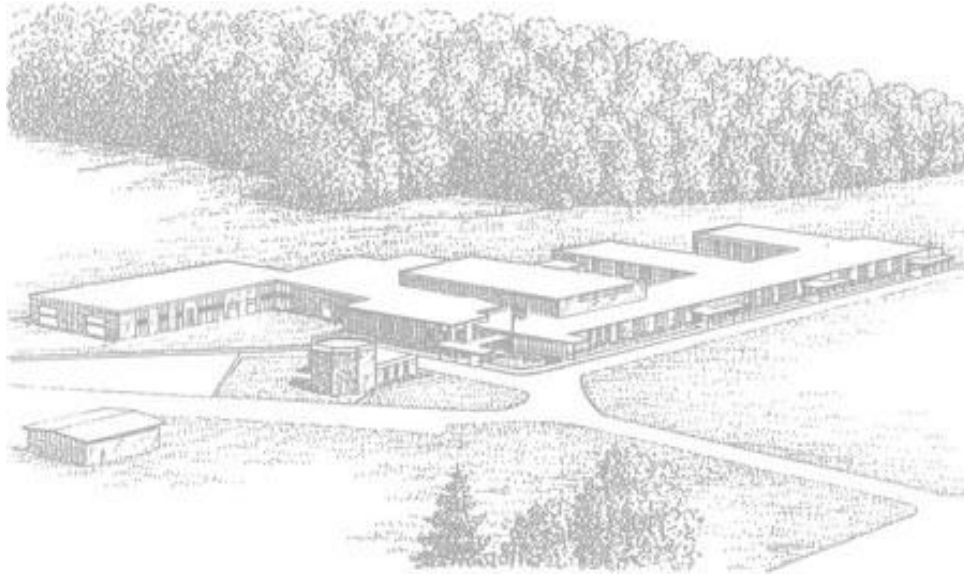


# **SOUTHERN CAYUGA CENTRAL SCHOOL DISTRICT**

## **CODE OF CONDUCT**



**Adopted by the Board of Education  
August 11, 2003  
August 23, 2004  
July 11, 2006  
May 7, 2012**

*Revised April 16, 2012*

## **TABLE OF CONTENTS**

I.	Introduction	3
II.	Definitions	3
III.	Students Rights and Responsibilities	5
IV.	Partners in Education	5
V.	Student Dress Code	7
VI.	Prohibited Student Conduct	8
VII.	Dignity for All Students Act	12
VIII.	Reporting Violations	15
IX.	Disciplinary Disposition, Procedures and Referrals	16
X.	Alternative Instruction	22
XI.	Discipline of Students With Disabilities	22
XII.	Corporal Punishment and Acts of Restraint	26
XIII.	Visitors to the Schools	26
XIV.	Public Conduct on School Property	27
XV.	Dissemination and Review	29
XVI.	Effective Date and Statutory Authorization	29

# 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 this end, the board adopts this Code of Conduct (“code”).

Unless otherwise indicated, this code applies to all students, school personnel, parents, community organizations, vendors and other visitors when on school property or attending a school function.

## **II. DEFINITIONS**

For purposes of this code, the following definitions apply:

**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 (as exhibited by the student's persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules).

**Firearm** means a firearm as defined in 18 USC §921. The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term “**destructive device**” means:

- (A) any explosive, incendiary or poison gas
  - (i) bomb
  - (ii) grenade
  - (iii) rocket having a propellant charge of more than four ounces
  - (iv) missile having an explosive or incendiary charge of more than one quarter ounce
  - (v) mine or
  - (vi) device similar to any of the devices described in the preceding clauses;
- (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant and which has any barrel with a bore of more than one-half inch in diameter; and

- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon which is redesigned for use as signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

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

**Removal** means an action taken by a teacher to remove a disruptive student from a classroom for a full period or more or for a period of time greater than forty-one (41) minutes. A removal does not include such practices as short term “time outs,” sending a student into the hallway or to the principal’s or counselor’s office for a brief period of time, to the extent that the removal does not exceed a full period or 41 minutes.

**School function** means any school-sponsored extracurricular event or activity.

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142. Education Law §2801(1).

**Violent student** means a student under the age of 21 who:

- Commits an act of violence upon a school employee or attempts to do so.
- 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.
- Possesses, while on school property or at a school function, a firearm or weapon.
- Displays, while on school property or at a school function, what appears to be a firearm or weapon.
- Threatens, while on school property or at a school function, to use a firearm or weapon.
- 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.
- Knowingly and intentionally damages or destroys school property.

**Weapon** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any ammunition, 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, including ammunition, that can cause physical injury or death when used to cause physical injury or death.

### **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. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

- Pursue an education in an atmosphere that is safe and conducive to learning and to achieve all they are capable of achieving within the framework of what the school is able to offer;
- Be respected on the merits of their attributes as individuals;
- Procedural due process guaranteed by the United States Constitution and New York State Education Law prior to disciplinary action taken against them;
- Freedom of speech and expression which do not interfere with the educational process or infringe upon the rights of others;
- Freedom from discrimination relative to participation in curriculum offerings, athletics and extracurricular activities.

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

All district students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property;
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct;
- Attend school every day unless they are legally excused and be in class, on time and prepared to learn;
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner;
- Work to develop mechanisms to control their anger;
- Ask questions when they do not understand;
- Seek help in solving problems that might lead to discipline;
- Dress appropriately for school and school functions;
- Accept responsibility for their actions;
- 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 as outlined in the Athletics' Handbook.

### **IV. PARTNERS IN EDUCATION**

#### **A. Parents**

All parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community;
- Send their children to school ready to participate and learn;
- Ensure their children attend school regularly and on time;
- Ensure absences are excused;
- Insist that their children be dressed and groomed in a manner consistent with the student dress code;

- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- Know school rules and help their children understand them;
- Convey to their children a supportive attitude toward education and the district;
- Build good relationships with teachers, other parents and their children's friends;
- Help their children deal effectively with peer pressure;
- Inform school officials of changes in the home situation that may affect student conduct or performance;
- Provide a place for study and ensure homework assignments are completed.

**B. Teachers**

All district teachers are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote the confidence to learn;
- Be prepared to teach;
- Demonstrate interest in teaching and concern for student achievement;
- Know school policies and rules and enforce them in a fair and consistent manner;
- Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan;
- Communicate regularly with students, parents and other teachers concerning growth and achievement;
- Build good relationships with students and parents;
- Help students deal effectively with peer pressure.

**C. Support Staff**

All district support staff is expected to:

- Know school policies and rules, ensure students know what is expected of them and be fair, non judgmental and consistent in all dealings with students;
- Come to work prepared. Show respect to students and all other staff;
- Play an active role in the district's goal to maintain a safe and orderly environment that is conducive to learning.

**D. Guidance Counselors**

Guidance counselors are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- Initiate and/or participate in teacher/student/counselor conferences, as necessary, as a way to resolve problems;
- Regularly review with students their educational progress and career plans;
- Provide information to assist students with career planning;
- Encourage students to benefit from the curriculum and extracurricular programs.

### **E. Principals**

Principals are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances;
- Evaluate on a regular basis all instructional programs;
- Support the development of and student participation in appropriate extracurricular activities;
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

### **F. Superintendent**

The superintendent is expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management;
- Inform the board about educational trends relating to student discipline;
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

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

The board of education is expected to:

- 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;
- 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;
- Lead by example by conducting board meetings in a professional, respectful, courteous manner;
- Promote a chain of command in directing all stakeholder communication.

## **V. STUDENT DRESS CODE**

We believe that appropriate attire is important in developing worthwhile attitudes about the importance of school. Teachers and all other personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

Students will wear clothing and carry possessions (backpack, etc.) which are appropriate for the school atmosphere. Students are expected to be clean and neat in personal appearance and clothing when they come to school. Students are to wear shoes and shirts at all times while on school property (except in the pool or locker room). No wearing of hats in the building except for a medical or religious purpose. Hats/headwear are to be removed when entering any district building, during the regular school day and at any school sponsored functions. Students are expected to remove their hats upon entering school and store their outerwear in their locker.

Extremely brief and revealing garments such as, but not limited to, tube tops, shirts with spaghetti straps and shirts that reveal one's midriff, similar cut-off shirts, halter tops and plunging necklines (front and back) are not allowed. Skirts/shorts are too short if the middle finger of your hand falls below the hem. Undergarments must be completely covered with outer clothing at all times. Students may not wear clothing or carry possessions (backpacks, etc.) that could be used inappropriately, or with pictures, words, diagrams, etc., that depicts, promote, suggest, and illustrate the following:

- illegal or violent activity
- sexual innuendoes
- profanities
- drugs, alcohol or tobacco
- ethnic, racial or religious prejudices
- gender prejudice
- situations adverse to the school atmosphere

For special events such as graduation or school concerts, students may be required to wear appropriate attire. The final decision as to the appropriateness of attire rests with the administration.

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, when any revisions to the dress code are made during the school year, and in June/July of the preceding year.

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

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 to place emphasis on the students' ability to grow in 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 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 will be subject to disciplinary action, up to and including suspension from school, when they engage in the following:



**A. Disruptive Conduct**

Examples of disruptive conduct include:

- Running in hallways;
- Making unreasonable and/or rude noise;
- Using language or gestures that are profane, lewd, vulgar or abusive;
- Obstructing vehicular or pedestrian traffic;
- Dangerous or illegal use of vehicles on school grounds;
- Engaging in any willful act which disrupts the normal operation of the school community;
- 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;
- Unauthorized use of school property including vehicles;
- Computer/electronic communication 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;
- Using the wrong lavatory;
- Inappropriately amorous behavior;
- Loitering, including being in school before or after regular school hours without permission of a staff member;
- Teasing;
- Horseplay;
- Throwing objects;
- Chronic talking.

**B. Insubordinate Conduct**

Examples of insubordinate conduct include:

- Failure to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students, or otherwise demonstrating disrespect;
- Lateness for, missing or leaving class or school without permission;
- Skipping detention;
- Refusing to go to in-school suspension;
- Entering any area without authorization;
- Refusing to leave any classroom, building or job site after being directed to do so by authorized personnel.

**C. Conduct that is in Violation of School Rules**

The school is not responsible for the loss or damage of electronic equipment brought to school by students. Examples of school rule violations include:

- Allowing pagers, radio transmitters and cellular phones to be visible or used during the school day;
- Fire pagers can be worn by firefighters but must be set on alert;
- Cellular phones are to be turned off and stored in students' lockers during school hours. At the discretion of the individual bus drivers, they may be used on bus rides;
- Other personal electronic devices including iPods and other musical and game players are to be stored in students' lockers during school hours;
- Consuming food or beverages at inappropriate times and in inappropriate areas. Glass containers are prohibited. Any exception to this must be with the specific

permission of the principal. School personnel reserve the right to inspect the contents of any opened container;

- Using snack machines during school hours;
- Leaving the building for any reason other than assigned classes or upon permission from the office. Students who are attending school at the BOCES campus will comply with the same regulations;
- Selling food or other items for personal profit on school property including buses. No direct sale of candy including chewing gum may occur during the school day according to Section 915 Article 19 of the NYS Education Law;
- Parking a student-operated vehicle on district property without a current parking permit or parking in unauthorized areas. The district assumes no liability for vandalism/theft of the vehicle or its contents while on school property;
- Playing rough games or sports;
- Any other act that is in violation of an established district rule or policy.

#### **D. Violent Conduct**

Examples of violent conduct include:

- Committing an act of violence (such as hitting, shoving, throwing objects at someone, kicking, punching, scratching, biting or spitting) upon a teacher, administrator or other school employee or attempting to do so;
- Committing an act of violence (such as hitting, shoving, throwing objects at someone, kicking, punching, scratching, biting or spitting) upon another student or any other person lawfully on school property or attempting to do so;
- Possessing a weapon, (including a pocket knife) 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;
- Displaying what appears to be a weapon;
- Threatening to use any weapon;
- 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;
- Intentionally damaging or destroying school district property.

#### **E. Endangering the Safety, Morals, Health or Welfare of Self or Others**

Examples of such conduct include:

- Lying to school personnel;
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
- 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;
- Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner;
- Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group. Harassment may take the form of comments, name-calling, jokes, stalking, perpetrating rumors or gossip, offensive remarks, physical abuse or any other

behavior that is intended to be or which a reasonable person would perceive as ridiculing, demeaning or threatening;

- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
- Coercion;
- 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;
- Selling, using or possessing obscene material;
- Using vulgar or abusive language, cursing or swearing;
- Smoking or attempted smoking which shall be defined as holding or disposing of a cigarette, pipe or cigar (lit or unlit), snuff, chewing tobacco, matches, lighter, having the above in one's possession, exhaling smoke from mouth or nose on school property or at school functions. If a student is in a lavatory stall and smoke is coming out of the stall, the student is guilty of a smoking offense. If more than one student is in a stall at any time, all are guilty of smoking;
- Possessing, consuming, sharing and/or selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Paraphernalia for the use of such drugs shall be prohibited as well;
- Inappropriately using, possessing or sharing prescription and over-the-counter drugs;
- Inappropriate use or possession of any substance or object;
- Gambling;
- Indecent exposure, that is exposure to sight of the private parts of the body in a lewd or indecent manner;
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, tampering with or discharging a fire extinguisher;
- Willfully inciting others to commit any of the acts herein, or to engage in irresponsible behavior or conduct contrary to decent, polite, honorable and honest students;
- Forgery or a submission of a forgery;
- Any action that violates a public law.

#### **F. Misconduct on a School Bus**

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

The safety and comfort of all students require that the following regulations be obeyed. Students must:

- be on time at the scheduled stop for boarding bus;
- wait until the bus comes to a full stop before attempting to enter or leave;
- refrain from talking with the driver while the bus is in motion;
- refrain from eating, drinking or chewing gum while on the bus;
- keep arms and head completely inside the bus at all times;
- refrain from shouting while riding the bus;
- stay in seats and not move around;
- keep waste paper in one's own possession and never throw it out the window or

- around the bus;
- cross approximately 10 feet in front of the bus; look both ways before crossing the highway;
- be courteous, obedient and a responsible passenger at all times;
- items brought on the bus other than books, notebooks and school related materials must be totally contained in a duffel bag or backpack; these items must remain contained for the entire trip;
- large items such as school projects that cannot be contained on the student's lap may not be transported on the bus. The student must find alternative means of transportation.

**G. Academic Misconduct**

Examples of academic misconduct include:

- Plagiarism;
- Cheating;
- Copying;
- Altering records;
- Assisting another student in any of the above actions.

**VII. DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT)**

*(As referenced from NYSED guidance document <http://www.p12.nysed.gov/dignityact/>) April 2012*

The intent of the Dignity for All Students Act (hereinafter referred to as the Dignity Act) is to provide all public school students with an environment free from discrimination and harassment, as well as to foster civility in public schools. It also focuses on prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate. Among the Dignity Act's provisions, is the requirement that all public school districts (districts) and boards of cooperative educational services (BOCES) include in their Codes of Conduct provisions prohibiting discrimination and harassment against students by students and/or school employees on school property or at a school function, as well as provisions for responding to acts of discrimination and harassment against students by students and/or school employees on school property or at a school function. By building on the 2000 Safe Schools Against Violence in Education Act (SAVE), which focuses primarily on guiding districts, BOCES and charter schools on how to report and respond to violent and disruptive incidents, the Dignity Act is designed to assist districts, BOCES and charter schools in strengthening their existing policies, and developing new policies as needed, to protect students and upholds New York State's commitment to provide safe and orderly schools for its students.

## **Definitions**

Dignity Act statutory definitions:

*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 (Education Law §11[1] and Vehicle and Traffic Law §142).

*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 §11[1] and Vehicle and Traffic Law §142).

*School Function* means a school-sponsored extra-curricular event or activity (Education §11[2]).

*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 §11[4] and Executive Law §292[21]).

*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 §§11[4] and 1125[3]).

*Sexual Orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

*Gender* means actual or perceived sex and includes a person's gender identity or expression (Education Law §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 §11[7]).

## **Scope**

As discussed above, the Dignity Act prohibits discrimination and harassment of students on school property, including at school functions, by any student and/or employee. However, harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying. For further information, please refer to SED's Guidance on Bullying and Cyberbullying, which can be found at:

[www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html)

## **Essential Partners**

Because the Dignity Act emphasizes the importance of tolerance and respect for others by students and staff alike, all members of the school community, including essential partners such as superintendents, school board members, parents, students, teachers, guidance counselors, principals/administrators, support staff, and other school personnel have particularly important roles to play in its implementation.

School employee responsibilities include:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender<sup>2</sup> or sex, which will strengthen students' confidence and promote learning.
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 school employee's attention in a timely manner.

## **Dignity Act Coordinator (DAC)**

The Dignity Act also requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]). This staff member at Southern Cayuga is Ms. Tanya Thompson (SCCS Guidance Counselor).

## **Disciplinary and Remedial Consequences**

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the Dignity Act requires the development of measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Such remedial/disciplinary responses will be included in the Code of Conduct (within the student handbook) and place the focus of discipline on discerning and correcting the reasons why discrimination and harassment occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act or acts. Appropriate remedial measures may include, but are not limited to:

- peer support groups; corrective instruction or other relevant learning or service experience;
- supportive intervention;
- behavioral assessment or evaluation;
- behavioral management plans, with benchmarks that are closely monitored;
- student counseling and parent conferences; and
- disciplinary consequences ranging from detention to out-of-school suspension.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

- supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment and bullying;
- school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- adoption of research-based, systemic harassment prevention programs;
- modification of schedules;
- adjustment in hallway traffic and other student routes of travel;
- targeted use of monitors;
- staff professional development;
- parent conferences;
- involvement of parent-teacher organizations; and
- peer support groups.

*Please be aware that the Dignity Act does not prohibit the denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §§2854(2)(a) and 3201-a and Title IX of the Education Amendments of 1972 (20 USC §1681, et. seq.), or prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.*

## **VIII. REPORTING VIOLATIONS**

All Students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a \*weapon, alcohol or illegal substance on school property or at a school function shall report this information to a teacher, the building principal, the principal's designee or the superintendent.

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

\*See definition of a weapon on page 4

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

Any pupil who violates any of the rules of the Code of Conduct shall be subject to immediate and appropriate disciplinary action. 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:

- The student's age;
- The nature of the offense and the circumstances which led to the offense;
- The student's prior disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents, teachers and/or others, as appropriate;
- Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student 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 student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **A. Dispositions**

Students who are found to have violated the district's Code of Conduct will 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.

- Oral warning – any member of the district staff
- Written warning – any member of the district staff
- Written notification to parents – any member of the district staff
- Detention – teachers, principal, superintendent
- Suspension from transportation – director of transportation, principal, superintendent
- Counseling -- social worker, guidance counselor, school psychologist, principal, superintendent
- Alternative consequences (such as cleaning the bus) – principal, superintendent
- Suspension from athletic participation – athletic director, principal, superintendent
- Suspension from social or extracurricular activities – principal, superintendent
- Suspension of other privileges – principal, superintendent
- In-school suspension – principal, superintendent (suspension prohibits student participation in or attendance at all school activities)



- Removal from classroom – teachers, principal, superintendent
- Short-term (five days or less) suspension from school – principal, superintendent, board of education (suspension prohibits student participation in or attendance at all school activities)
- Long-term (more than five days) suspension from school – principal, superintendent, board of education (suspension prohibits student participation in or attendance at all school activities)
- Permanent suspension from school – superintendent, board of education

The principal is authorized to suspend pupils for a period of time not to exceed five days for any one incident. The superintendent and board of education may impose long-term suspensions in accordance with Education Law § 3214.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct.

Students who are to be disciplined with something other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed.

### **1. Detention**

Teachers, principals and the superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Notification will be mailed within 24 hours of when the student receives written notification of the detention. It is the responsibility of the student to arrange their schedules so detention may be served.

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

If a student does not conduct himself/herself properly on a school bus, the bus driver is expected to bring such misconduct to the building principal'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. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

A student subject 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 and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the 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."

Students will receive substantially equivalent alternative education and will be required to complete all work assigned.

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 the 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 an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

If the disruptive student does not pose a danger or an 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 district established disciplinary referral form and meet with the principal or his or her designee as soon as possible but not later than the end of the first day of student removal to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another administrator designated by the principal must notify the student's parent that the student has been removed from class and why.

The parent must be informed 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. If the parent requests a conference, the teacher who ordered the removal must attend the 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 parent 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:

- The charges against the student are not supported by substantial evidence;
- The student's removal is otherwise in violation of law, including the district's Code of Conduct;
- 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.

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

## **6. Suspension from school**

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

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

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

The student is required to have a brief conference with the principal or his/her designee upon his/her return to school.

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

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days. The superintendent shall issue a written decision regarding the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within five business days of the date of the superintendent's decision. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

An appeal of the decision to 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 five 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 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.

• **Minimum Periods of Suspension**

**1. Students who bring a firearm to school (Gun Free Schools Act)**

Any student found guilty of bringing a firearm (as that term is defined in 18 USC §921) 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:

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

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 or bring a weapon to school**

Any student, other than a student with a disability, who is found to have committed a violent act, or has brought a weapon to school, as that term is defined by this Code of Conduct, shall be subject to suspension from school for a minimum of five school days. 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, as set forth above.

## **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, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five school 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. The superintendent has the authority to modify the five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **C. REFERRALS**

### **1. Counseling**

All student referrals for counseling will be channeled through the guidance office or pupil personnel services.

### **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:

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

### **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:

- Any student under the age of 16 who is found to have brought to school a firearm, as that term is defined in 18USC §921; or
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §S1.20 (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.

## **X. ALTERNATIVE INSTRUCTION**

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

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

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. 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 federal and state laws and regulations. This Code of Conduct, however, affords students with disabilities no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Definitions**

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

A **disciplinary change of placement** is a removal from the child's current educational placement for more than ten consecutive school days in the course of a school year, or a series of removals that constitute a pattern, because they accumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to each other.

An **illegal drug** means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or under any other authority under the Controlled Substances Act or under any other provision of federal law. "Controlled substance" means a drug or other substance as defined under certain schedules of the Controlled Substances Act.

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

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 or herself or others.

A **suspension** means a suspension pursuant to Education Law § 3214.

A **weapon** is defined as 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 that such term does not include a pocket knife with a blade less than 2 1/2 inches in length.

## **B. Suspensions or Removals**

Students with disabilities shall be afforded the same procedural protections set forth in Education Law §3214 as non-disabled students.

### **1. Committee on Special Education (CSE) Involvement**

The CSE shall be notified of any disciplinary action taken or intended to be taken if:

- The student is identified as a student with a disability;
- A referral is pending with the CSE;
- The student is “deemed to be a student with a disability,” which includes students in the following situations:
  - The parent has expressed concern in writing to school personnel that the student is in need of special education and related services (or orally if the parent cannot write or has a disability which prevents the parent from putting it in writing);
  - The behavior or performance of the student demonstrates the need for special education in accordance with the definition of “a student with a disability”;
  - The child's teacher or other school district personnel has expressed concern about the behavior or performance of the student to the chairperson, a teacher, the principal, or other school personnel in accordance with the Child Find or CSE referral system.

### **2. Suspensions Up To Five Days**

The principal, district superintendent or the board of education may suspend a student from school for up to five (5) days, as long as the discipline imposed is consistent with the discipline imposed on non-disabled students under similar circumstances.

If a student with a disability is suspended from school, then the principal, district superintendent or board of education will be required to follow the procedures outlined in Article VIII (B)(6)(a) of this Code of Conduct.

If it is determined that the suspension will not result in a disciplinary change of placement, then the suspension may be imposed without a manifestation determination.

- **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- If the CSE determines that the behavior is related to the student's disability, no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- If the CSE determines that the behavior is not related to the student's disability, then discipline may be imposed in a manner similar to that imposed on a non-disabled student.

### **3. Suspensions Over Five Days**

If an out of school suspension of more than five (5) days is sought, a superintendent's hearing must be held in accordance with Education Law §3214(3)(c) and Article VIII (B)(6)(b) of this Code of Conduct. If a superintendent's hearing will be held, the CSE should be notified immediately.

- **Notice of Due Process Rights**

Parents are to be provided with written notice of their due process rights. Notice of procedural safeguards must be given not later than the day on which a decision to take disciplinary action which could result in a suspension of over ten (10) days is made. The notice must include a full explanation of procedural safeguards available, including those relating to procedures for students who are subject to placement in an interim alternative educational setting.

- **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than ten school days after the date on which a decision involving a disciplinary change of placement is made.

- If the CSE determines that the behavior is related to the student's disability, no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- If the CSE determines that the behavior is not related to the student's disability, then discipline may be imposed in a manner similar to that imposed on a non-disabled student. The CSE should be notified of any disciplinary action which will be imposed so it can meet within ten days to develop/review the functional behavioral assessment and behavior intervention plan.
- If the suspension to be imposed will not result in a disciplinary change of placement, then a manifestation determination will not have to be conducted.

### **4. IAES For Drugs/Weapons**

If a student with a disability has been found guilty of possessing weapons or drugs, then school personnel may order the student to be placed in an interim alternative educational setting ("IAES") for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days.



After a finding of guilt has been made at the superintendent's hearing, but prior to placing a student with a disability in an IAES, the CSE must conduct a manifestation determination. If the CSE determines that the student's behavior is a manifestation of his/her disability, the student may still be placed in an IAES if he/she was found guilty of possessing drugs or weapons.

The determination of the IAES must be made by the CSE. The IAES must be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in current IEP, that enable the child to meet IEP goals and include services and modifications to address behavior so it does not recur.

#### **5. IAES For Dangerous Students**

If the student is dangerous, the district may request an expedited hearing before an impartial hearing officer who can order that the student be placed in an IAES for up to forty-five (45) days.

If an IAES is sought from a hearing officer, the hearing officer must consider the following in making a placement:

- the appropriateness of the child's current placement; and
- whether the school has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services. 34 C.F.R. §300.521.

To place a student in a 45-day IAES, a hearing officer must determine:

- that the alternative educational setting meets the same requirements imposed upon the IEP Team in making such a placement;
- that the district has proven by substantial evidence (defined as "beyond a preponderance of the evidence") that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

If the CSE determines that the student's behavior is a manifestation of his/her disability, the student may still be placed in an IAES by the impartial hearing officer if the impartial hearing officer determines that maintaining the student in his/her current placement is substantially likely to result in injury to the student or others.

#### **6. Alternative Instruction & FAPE**

The Principal must immediately arrange for "substantially equivalent" alternative instruction for any student under the compulsory school age who has been suspended from school.

If the suspension is less than ten (10) days, a free appropriate public education ("FAPE") does not have to be provided. The right to a FAPE begins on the eleventh school day in a school year that the student is removed from his/her current educational placement. The FAPE provided to such students shall meet the same requirements as an IAES.

If a suspension results in more than ten cumulative days of suspension, but does not result in a disciplinary change of placement, the principal (or other designated school administrator) in consultation with the student's special education teacher, must arrange for services "to the extent necessary" to enable the student

- Progresses appropriately in the general curriculum; and
- Appropriately advances toward achieving the goals in the student's IEP.

## **XII. CORPORAL PUNISHMENT AND ACTS OF RESTRAINT**

For the purposes of definition in this policy, corporal punishment is considered to be any act of physical force upon a pupil for the purpose of punishing that pupil.

Corporal punishment should be distinguished from the act of reasonable physical force to protect oneself from injury, to protect another pupil or teacher or other person from physical injury, to protect the property of the district or of others, or to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts. Moments of permitted use of physical force or restraint include those situations which affect the immediate health or safety of students or staff or visitors, or the protection of public property from destructive mischief.

The board of education does not permit the use of corporal punishment on the campus as a behavior management technique.

The board does, however, endorse the prudent and necessary use of physical restraint whenever and wherever such restraint is needed to maintain the safety and well being of staff or pupils.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education, detailing each complaint about the use of corporal punishment, the results of the investigation of that complaint and the action, if any, taken in that particular case.

## **XIII. VISITORS TO THE SCHOOLS**

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

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitors' 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 and sign out before leaving the building. If the visitor is unknown to office personnel or the administrator, proof of identification may be required before allowing the person to remain in the building.
- All school building personnel have the responsibility and authority to question visitors regarding their reasons for being in the building. They should ask the visitor to report to the office immediately if they are not wearing a visitor's badge.

- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
- Visitations to classrooms for any purpose require permission from the building principal or his/her designee in advance to allow teachers the opportunity to arrange their schedules to accommodate such requests.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any authorized 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.
- 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 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 for which they are on school property. Staff and employees of the district are expected to exemplify and reinforce the standards for appropriate student dress (section V of this Code of Conduct) and behavior.

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

No person, either alone or with others, shall:

- Through willful or reckless conduct injure any person or threaten to do so;
- Through willful or reckless conduct damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
- Disrupt the orderly conduct of classes, school programs or other school activities;
- 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;
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
- Obstruct the free movement of any person in any place to which this code applies;
- Violate the traffic laws, parking regulations or other restrictions on vehicles;

- 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;
- 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 superintendent;
- Loiter on or about school property;
- Gamble on school property or at school functions;
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
- Willfully incite others to commit any of the acts prohibited by this code;
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function;
- Engage in picketing and/or demonstrating which interferes with entrances to buildings or the normal flow of pedestrian or vehicular traffic; interferes with organized meetings or other assemblies for the purpose of harassment; obstructs the privacy of administrative offices or the functioning of the physical plant.

## **B. Penalties**

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

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

The superintendent may ban violators from school property in the future. Notice of this ban will be in writing. In the event that school property is destroyed, defaced, damaged or stolen, the violator will make full restitution. Any weapon will be confiscated and turned over to law enforcement officials.

## **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.

## **XVI. DISSEMINATION AND REVIEW**

The board will work to ensure that the community is aware of the Code of Conduct by providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year; and by

1. Making copies of the code available to all parents at the beginning of the school year;
2. Making a summary of the Code of Conduct available to parents and students in the front of the students’ agendas and making this summary available later upon request;
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the Code of Conduct as soon as practicable after adoption;
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired;
5. Making copies of the code available for review by students, parents and other community members.

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

## **XVI. EFFECTIVE DATE AND STATUTORY AUTHORIZATION**

This policy shall become effective on July 1, 2003.

Readopted by BOE August 23, 2004

Readopted by BOE July 11, 2006

Readopted by BOE May 7, 2012

Education Law §2801; Education Law §3214; Education Law Article 89; Part 100 of the Commissioner’s Regulations; Part 200 of the Commissioner’s Regulations; Part 201 of the Commissioner’s Regulations; 20 U.S.C. §1415; 34 C.F.R. Part 300.