

# **CODE OF CONDUCT**

**2024/2025**

*FLORIDA UNION FREE SCHOOL DISTRICT*

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## WHY DO WE HAVE A CODE OF CONDUCT?

1. Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. It is also essential that students are able to take age-appropriate responsibility for their own behavior.

Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults. This helps to ensure that students are better able to:

- recognize and manage emotions;
- develop caring and concern for others;
- establish positive relationships;
- make responsible decisions; and
- handle challenging situations constructively and ethically.

2. Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.

3. All adults—teachers, principals, administrators, school staff, parents, and the larger community—have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.

4. Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.

Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solution oriented, rather than punitive. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

5) The District will continuously monitor results in an effort to determine strategies for improvement.

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## DISTRICT CODE OF CONDUCT

### *Introduction*

The Florida Union Free School District (“District”) 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. The District is committed to:

- ensuring each student is healthy, safe, engaged, supported, and challenged;
- helping students develop self-discipline and social and emotional growth; and
- guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other District personnel, parents/guardians (“parents”) and other visitors is expected, as it is essential to achieving this goal.

For this to happen, everyone in the school community must demonstrate and offer respect to others.

With the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Student engagement is also integral to creating a positive school climate and culture that effectively fosters students’ academic achievement and social/emotional growth. Providing student with multiple opportunities to participate in a wide range of pro-social activities and at the same time to develop a bond with caring, supportive adults reduces negative behavior. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of student’s achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems.

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.

All persons on school property must behave in a safe manner. When required by the District during an outbreak of a communicable disease, this may include maintaining appropriate distance from others and wearing face coverings or other personal protective equipment.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible developmentally appropriate, graduated consequences

of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this Code of Conduct ("code"), which is based upon education laws, regulations, and Board policies.

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

### ***Dignity for All Students Act***

It is the policy of the State of New York, as set for in the Dignity for All Students Act (DASA or The Dignity Act) as well as federal civil rights statutes, including Titles IV, VI & VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and all subsequent amendments, to afford all students in public schools an environment free from harassment, bullying, (including cyberbullying) and discrimination as well as to foster civility in public schools. The Dignity Act focuses on the prevention of discriminatory behaviors, including harassment/bullying, through the promotion of educational measures meant to positively impact school culture and climate.

In order to foster an environment which promotes and supports students' ability to learn and meet high academic standards in the Florida Union Free School District, the Board of Education is dedicated to ensuring the District promptly addresses any conduct which is inconsistent with the District's educational mission or which detracts from a healthy and positive school climate, including discriminatory or harassing behaviors as defined by the Dignity for All Students Act or related federal civil rights statutes set forth above. The Board of Education is committed to providing all its students with an environment free from discrimination and harassment and shall take steps to prevent harassment and discriminatory behavior through educational measures designed to promote tolerance, respect for others and to promote awareness and sensitivity to discrimination or harassment to encourage civility and a climate of mutual respect, equality and dignity for all students on school grounds and at all school sponsored activities, programs or events. Harassment against any student by any student or employee or other person in the school that creates a hostile environment by conduct will not be tolerated.

By combining prevention with education, the District's goal is to decrease incidents of discrimination and harassment while simultaneously increasing awareness among students and staff to be sensitive and alert to the warning signs of bullying and harassment as well as their obligation to report or act when such acts occur. Essential components of this effort shall include:



- Instruction and strategies which identify early warning signs and precursor behaviors which, if left unaddressed, may lead to discrimination, harassment or bullying.
- Gathering information related to harassment, discrimination or bullying from students, parents, school staff and the community.
- Establishing school wide and classroom rules about bullying.
- Providing instruction to students in civility, citizenship and character education that emphasizes tolerance and respect for others and promotes a climate of mutual respect and dignity for all students.
- Providing professional development and school wide training to staff to be able to identify, respond sensitively and consistently to incidents of harassment and bullying as well as to promoting tolerance and respect for all.
- Providing adequate adult supervision, particularly in less structured areas, such as hallways, cafeteria and playgrounds, as applicable.
- Notification to Parents as to District and school-wide efforts to become involved in preventing and addressing prohibited conduct and promoting a positive and healthy school environment.

### ***Incident Reporting and Investigation***

Students who have been harassed/bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Confidential reporting forms can be found on the District website under DASA.

At all times, complaints will be documented, tracked and handled in accordance with the policies, regulations and procedures. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g. Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be a coordinated investigation.

An equitable and thorough investigation will be carried out by the Building Principal or the Building DASA Coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Superintendent of Schools. In the event that the complaint involves the Superintendent of Schools, the appeal of the complaint shall be filed with the Board of Education for its review and decision. Verified bullying incidents that meet the criteria established by the State will be included in the statewide reporting system when applicable in accordance with law and regulation.

The DASA coordinators are:

For the District: Dana Castine  
[dcastine@floridaufsd.org](mailto:dcastine@floridaufsd.org)  
 (845) 651-3095 ext. 30006

For S.S. Seward Institute: Jeanne Marie Pavlik  
[jpavlik@floridaufsd.org](mailto:jpavlik@floridaufsd.org)  
 (845) 651-3095 ext. 40020

For Golden Hill Elementary: Jeanne Marie Pavlik  
[jpavlik@floridaufsd.org](mailto:jpavlik@floridaufsd.org)  
 (845) 651-3095 ext. 40020

### ***Definitions***

The Board of Education recognizes the need to clearly define expectations for acceptable conduct on school property by staff and students and to identify the possible consequences of unacceptable conduct, to ensure that discipline is administered promptly and fairly when necessary. To this end, the Board adopts this Code of Conduct. Unless otherwise indicated, the Code of Conduct applies to all students, school personnel, parents and other visitors when on school property or at school functions, whether on or off school property.

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

*Harassment/Bullying* – the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11[8]), that

- (a) 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
- (b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- (c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- (d) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups, including but not limited to:

- Race
- Color
- Weight
- National Origin
- Ethnic Group
- Religion
- Religious Practice
- Disability
- Sex
- Sexual Orientation
- Gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

*Behavior* - the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

*Cyberbullying* – harassment/bullying, as defined above through any form of electronic communication. Cyberbullying may include, among other things, the use both on and off school property, of electronic technology including, but not limited to: email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others.

*Discrimination:* Discrimination is the act against any student, by employee(s) or by student(s) on school property, or at a school function, including but not limited to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

*Disability* – (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 with, 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]).

*Disruptive Student* – an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process and others’ right to learn, or substantially interferes with the teacher’s authority over the classroom.

*Emotional Harm* - that takes place in the context of “harassment or bullying”, means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

*Employee* – means any person receiving compensation from the 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]).

*Gender*- actual or perceived sex and includes a person’s gender identity or expression (Education Law §116[6]).

*Gender expression* - the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

*Gender identity* - is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

*Relationships* - the way in which two or more people regard and behave toward each other.

*Removal* – the act of a teacher in discontinuing the presence of the student in his/her classroom.

*Respect* - an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

*Responsibility* - an obligation to behave in accordance with social norms and being held accountable for one’s actions.

*Restorative Practices* – are a response to student actions that violated the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm

in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

*School Bus* – 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* – any school sponsored extra-curricular, co-curricular or other event or activity, whether on or off school property. (Education Law §11[2]).

*School Property* – 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).

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

*Suspension* – the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

*Violent Student* – a student under the age of 21 who:

- commits an act of violence upon a school employee;
- 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;
- possesses, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- displays, while on school property or at a sponsored school function, what appears to be a weapon;
- threatens, while on school property or at a school function, to use a 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 district property.

*Weapon* – a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun,

pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

The New York State Dignity Act also applies to harassment and discrimination of transgender students.

*-Transgender and Gender Nonconforming Students* - Individuals who are transgender are protected under state law. The N.Y.S. Education Department and the N.Y.S. Attorney General's Office work together to protect transgender and gender nonconforming individuals from harassment and discrimination based on nonconformity with gender stereotypes and sexual harassment. They also investigate and attempt to resolve complaints.

*Privacy* - All students have a right to privacy, including keeping a child's status as a transgender student private. Information about a student's transgender status, legal name, or gender assigned at birth is confidential information. Disclosing this information to others may violate federal law, such as the Family Educational Rights and Privacy Act. ("FERPA").

### ***Student Bill of Rights and Responsibilities***

The Florida Union Free School District believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 17 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education. The right to a free, public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 17) are entitled to alternative, equivalent instruction following suspension. Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

### ***Rights of Students***

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

1. Take part in all District activities on an equal basis regardless of actual or perceived race,

weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression), sexual orientation or disability.

2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

In addition, students in this District are afforded the following rights:

1. Student Expression – Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. Symbolic Expression - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under a school newspaper and a dress code.
3. Student Activities - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. Student Government - Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All

- student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
5. Student Clubs and Other Student Organizations - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
  6. Student Searches and Interrogations – The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools and Building Principals, to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than teachers and pedagogical administrators, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Teachers and Pedagogical Administrators will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should ask the student if he or she possesses physical evidence that they violated the law or the district code and if an admission is not made, seek the student's consent to submit to a voluntarily search. Searches will be based upon reasonable suspicion at its inception and reasonable in its scope (including intrusiveness) informed by the threat to health,



safety and/or welfare posed by the object of the search. School officials authorized to conduct a search shall do so with an adult witness present. Strip Searches shall be governed by the provisions set forth in Paragraph B, below.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, school owned computers where students have created e-files and sent/received emails and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. 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 coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent shall make a determination in consultation with the school attorney. Any strip search must be conducted by an authorized school official of the same sex as the student, in the presence of another district professional employee also of the same sex as the student. The district shall attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

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

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

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item 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, who shall be immediately contacted when the contraband is taken into possession.

#### E. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted unless the student is 16 years of

age or older. The Principal or designee will also be present during any police questioning or search 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. 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.

F. Use of Drug Sniffing Dogs

The invasion of individual privacy should be minimized and students should not be unduly frightened or humiliated within the school setting. Because the use of drug detecting canines directly on students may be embarrassing or frightening and intrusive, it shall not be permitted.

Canines that are certified to alert their handlers when in the proximity of contraband such as illegal controlled substances, tobacco, alcohol or other scent detectable contraband may be used at the sites of student lockers, desks and other physical containment property assigned to students.

Students do not have an exclusive right to possession of individual school lockers, desks and other individually designated containment property and, therefore, no reasonable expectation of privacy when their possessions are placed therein (see policy 5330, Searches and Interrogation).

The use of contraband detecting canines on lockers, desks and other such containment property will be permitted because control of lockers, desks and other such equipment is shared between the student and the school, without a reasonable suspicion basis for a search to detect the contraband. When a contraband detecting certified canine alerts when in proximity to a sealed or contained item, the alert shall be deemed to provide reasonable suspicion to search the contents of the concealed item.

If a searched locker, desk or other such equipment contains drugs, alcohol or tobacco or other contraband, students assigned to the locker and the owner of such contraband shall be subject to school disciplinary action. Information about such prohibited materials may be referred to law enforcement officials for appropriate action.

ADMINISTRATIVE GUIDELINES

In collaboration with law enforcement officials, police handler(s) and drug detecting canines (dogs) may be used from time to time, to detect illegal drugs and controlled substances in the district's lockers provided to the students. The use of dogs is to combat the illegal use of contraband by students while in the school. It is the goal of the district to maintain a learning conducive environment for all of the students. The following guidelines apply to the use of dogs:

- a. The dog(s) and the handler(s) shall be given access to a particular building by the Principal who shall provide advance notice to the Superintendent of the date and time when the dog(s) and the handler(s) shall be at the building.
- b. The dog(s) and the handler(s) shall access the building only during times when students are not in the immediate vicinity of the dogs. In appropriate weather, students may be outside of the building in the same manner as when a fire drill is being conducted while the dog(s) and handler(s) are inside of the building. If the weather does not permit students to be outside, then students may be gathered in the gym or auditorium (or they may remain in classes) while the dog(s) and handler(s) are accessing parts of the building that are not in the immediate vicinity of students.
- c. The Principal shall notify all teachers, in advance, to not allow students to leave the areas they have been assigned to while the dog(s) and the handler(s) are in the building.
- d. Students shall remain in their respective areas until the dog(s) and the handler(s) have completed the task of detection, the results have been communicated to the Principal and the Principal has taken any necessary actions regarding detection(s), if any, by the dog(s) and their handler(s).
- e. Drug detecting canines may be used to sniff vehicles in the school parking lot under the same guidelines pertaining to the sniffing of school lockers.
- f. The Principal shall notify the teachers when it is permissible for students to return to their classes.

*Definitions*

**“Drug Detecting Canines”** means police trained and controlled dogs used to investigate the possible presence of controlled substances.

**“Controlled Substance”** means a substance as defined in § 220 of the New York State Penal Law or defined in § 812 of Title 21 of the United State Code.

G. 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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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

H. Pregnant Students

During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon receipt of a physician's order. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

I. Student Grievances and Complaints

If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

J. Video Surveillance

Video surveillance cameras may be used in school buildings in areas where there is no “reasonable expectation of privacy” and on school buses in order to assist the District to maintain student discipline, to safeguard facilities and property of the District and for the safety of students, staff and visitors while on District property.

***Responsibilities of Students***

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- to contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- to accept responsibility for his/her actions;
- to help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
- to respect the rights of others, regardless of race (actual or perceived), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation (actual or perceived), gender (including gender identity and expression), or sex (Education Law §11[7]), including his/her right to secure an education in an environment that is orderly and disciplined;
- to attend school on a regular and punctual basis;
- to use a polite tone of voice and appropriate body language, listening when others are speaking to you.
- to complete class assignments and other school responsibilities by established deadlines;
- to show evidence of appropriate progress toward meeting course and/or diploma requirements;
- to respect school property, e.g. lockers, desks, computers, storage areas, and help to keep them free from damage;
- to obey the requirement of the Student Code of Conduct provisions, school regulations and rules made by other school authorities and by the student governing body;
- to recognize that teachers assume the role of an acting, caring parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to become familiar with this Code and seek interpretation of parts not understood from parents, teachers and school administrators;
- to be truthful when speaking with school officials regarding Code of Conduct violations.
- to respect personal space;

- to work to develop skills to manage their emotions and reactions and resolve conflict with others;
- to actively discourage inappropriate behavior, including bullying/cyberbullying or threats of inappropriate behavior of other students and report the incidents to the administration;
- to 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;
- to be open to active participation in resolving conflicts through a restorative process.

### ***Dress and Grooming***

Students are expected to dress and groom themselves in a safe and appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and career skills classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance that is vulgar, lewd or obscene or exposes the private parts of the body (e.g., see-through garments, extremely brief garments such as tube tops, net tops, halter tops, extremely plunging necklines, midriff-baring shirts and extremely low cut/low rise pants).
- Shorts that have an inseam length less than 3 inches.
- Tops that have a shoulder width of less than 1/2 inch.
- Exposed undergarments (bra straps, boxer shorts, etc.)
- The wearing of hats, bandanas, do-rags, visors, or sweatbands in the classroom, as they are a sign of disrespect (unless worn for religious or medical reasons);
- The wearing of hooded sweatshirts with hoods up, thus covering the identity of the wearer.
- Pajamas, pajama or lounge pants (socially inappropriate) and slippers (due to safety concerns).
- Coats, jackets, and outerwear are not to be worn during the school day (except if necessary for outdoor recess)
- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., chains, heavy jewelry or jewelry with spikes which can injure the student or others).
- Any dress or appearance which is profane, or encourages or advocates the use of illegal drugs, alcohol and/or tobacco, illegal or violent activities.

- Any dress or appearance which advocates discrimination or denigrates others based on race, color, creed, religion, national origin, gender, sexual orientation or disability.
- Any dress or appearance, which constitutes a disruption to the educational process.

Any student dressed inappropriately, as defined by these guidelines, will be asked to change their clothes and/or remove their hats/hoods. Tee-shirts will be available for loan. Repeated offenses will result in parent or guardian notification and parents may be asked to bring appropriate clothing to the school. Further disciplinary action may be taken by the administration, in accordance with the Code of Conduct.

### *Computer and Internet Use*

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail originating from the school premises or received at the school premises that a student user creates that:
  - is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
  - conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
  - constitutes a state and/or federal crime;
  - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
  - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.
5. Computer use (or other electronic communication device) that constitutes cyberbullying as defined under the Dignity for All Students Act.



### *The Role of Parents/Guardians*

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success. To achieve this wholesome relationship, parents/guardians are urged:

- to show an enthusiastic and supportive attitude toward school and education;
- to build a good working relationship between themselves and their child;
- to teach their child self-respect, respect for the law, respect for others and for public property;
- to teach their child that 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 or sex, will strengthen each student's positive self-image;
- to insist on prompt and regular attendance;
- to listen to the views and observations of all parties concerned;
- to recognize that teachers merit the same consideration and respect that parents expect from their child;
- to encourage their child to take pride in his/her appearance;
- to insist that their child promptly bring home all communications from school;
- to cooperate with the school in jointly resolving any school related problem;
- to set realistic standards of behavior for their child and resolve to remain firm and consistent;
- to help their child learn to deal effectively with negative peer pressure;
- to monitor their child's use of electronic communication and discuss online safety/cyberbullying concerns and consequences.
- to provide a place conducive for study and completion of homework assignments;
- to demonstrate desirable standards of behavior through personal example;
- to foster a feeling of pride in their child for their school;
- to provide support and positive reinforcement to their child;
- to be open to active participation in resolving conflicts through a restorative process.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

### *The Role of School Personnel*

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- 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 or sex, which will strengthen each student's positive self-image;
- 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;
- address personal biases that may prevent equal treatment of all students in the school or classroom;
- report incidents of discrimination and harassment that are witnessed or otherwise brought to an employee's attention to the principal, superintendent, or designee within one school day after receiving the report;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the Building Principal or acting building principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools;
- maintain confidentiality in accordance with federal and state law;
- be open to active participation in resolving conflicts through a restorative process.

### ***The Role of Teachers and Education Support Staff***

The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to a school administrator so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g., anger, outbursts, withdrawal, self-injury). In view of this responsibility, the professional must, in the classroom, and larger school environment:

- maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen each student's positive self-image;

- 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;
- address personal biases that may prevent equal treatment of all students in the school or classroom;
- report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the principal, superintendent, or designee within one school day after receiving the report;
- plan and conduct a product of instruction that will make learning challenging and stimulating;
- plan and conduct instruction on civility and character education, including cyberbullying;
- recognize that some disciplinary problems are caused by a student's personal and academic frustrations;
- utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- seek to develop close interactive relationships with parents for the educational benefit of the student;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- teach the common courtesies by precept and example;
- handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- help students cope with negative peer pressure;
- identify changing student behavior patterns and notify appropriate personnel;
- enable students to discuss their problems with them;
- send communications home promptly;
- report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- explain and interpret the discipline code to students;
- enforce the code in all areas of the school;
- demonstrate desirable standards of behavior through personal example;
- know the support services available to students and refer students who are in need of such services;
- comply with state education law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and in an educational setting;

- in the event of removal from class, inform the student and the Principal of the reason for the removal;
- maintain confidentiality in accordance with federal and state law;
- immediately report and refer violent students and those who threaten violence to the Principal or superintendent of Schools;
- be open to active participation in resolving conflicts through a restorative process.

### ***The Role of Building Administrators***

As the educational leaders of the school, our building administrators set the learning and disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity\_and expression)\_or sex.
- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- develop procedures and programs which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome, productive, cooperative relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish and maintain necessary building security;
- assume responsibility for the dissemination, explanation and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly;
- insure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct;
- demonstrate desirable standards of behavior through personal example.
- 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 or sex, which will strengthen each student's positive self-image;

- 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;
- address personal biases that may prevent equal treatment of all students in the school or classroom;
- comply with state education law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and in an educational setting;
- maintain confidentiality in accordance with federal and state law;
- investigate, report and document incidents of discrimination, harassment, and cyberbullying that are witnessed or otherwise brought to the administrator's attention in a timely manner;
- be open to active participation in resolving conflicts through a restorative process.

### ***The Role of District Administrators***

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades PreK-12;
- recommend to the Board of Education appropriate policy, regulations and budgetary considerations to achieve optimum conditions for positive learning;
- develop and implement an effective Code of Conduct supportable by students, parents, staff and community;
- demonstrate desirable standards of behavior through personal example;
- comply with state education law regarding corporal punishment and mandated reporting of suspected child abuse in a domestic setting and in an educational setting;
- maintain confidentiality in accordance with federal and state law;
- provide each teacher with a copy of the Code of Conduct;
- be open to active participation in resolving conflicts through a restorative process.

### ***The Role of the Board Of Education***

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- ensures that the Code of Conduct is clearly communicated to students, parents, staff and the school community;

- ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the Code of Conduct and updates it as necessary;
- maintains confidentiality in accordance with federal and state law;
- complies with state education law and regulations regarding mandated reporting of suspected child abuse in the educational setting;

### *Visitors to the Schools*

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the student, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. The Florida Union Free School District utilizes an electronic visitor management system (EVMS ) in order to ensure the safety and welfare of its students, staff and guests.
3. When any visitor, including parents and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license. Prior to entry being permitted, the EVMS will check visitors against known sexual offender databases. Once the visitor's ID is scanned, the EVMS will print a visitor's badge which must be worn throughout the duration of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors who refuse to produce IDs or fail the check of sexual offender databases may be asked to either wait in the school building lobby or to leave school premises.
4. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### *Reporting Code Violations*

1. To School District Personnel

Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

2. To Local Law Enforcement Agencies

The 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/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on 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.

3. To Human Services Agencies

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

***Red Flag Law***

When a Building Principal believes that a student is likely to engage in conduct that may result in serious harm to him/herself or others, after consultation with the Superintendent and the School Attorney, the Building Principal may seek a Temporary and/or Final Extreme Risk Protection Order to prohibit a student's access to firearms.

***Removal of a Student from the Classroom***

The Board of Education has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. Substantially disruptive shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. Substantially interferes with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist.

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- the teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Building Principal or designee must inform the student's parent of the removal and the reasons within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal;
- the Principal or designee may not set aside the removal unless she/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed;
- the Principal's/designees determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes



the removal may be required to attend the Principal's conference at the Principal's discretion;

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

### ***Student Suspension Process***

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

#### **A. Pre-suspension Process**

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph B, below.

#### **B. Short-term Suspension Process**

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Superintendent of Schools and then to the Board of Education within 30 days of the implementation of the discipline prior to filing any further appeal.

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

D. Hearing Procedures

*Notice of Hearing*

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 72 hours' notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

#### *The Long-Term Suspension Hearing*

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- that the District has the burden of proving the charges by a preponderance of the credible evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- that the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed. The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### *Procedure After Suspension*

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

### *Alternative Instruction*

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

### *Appeals Process*

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education within 30 days of the decision. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

E. Off-Campus Misconduct

A student may be subject to discipline for conduct constituting a crime, or making a threat directed at another student or a school employee or cyberbullying that would constitute a violation of the Code of Conduct which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

F. Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

G. Extra-Curricular and Co-Curricular Activities and School Functions

To participate in all extracurricular activities, a student cannot be failing two or more subjects weekly, including Physical Education.

Major subjects count as one and minor subjects count as one-half. Below is a list of major and minor subjects:

<u>Major Subjects</u>	<u>Minor Subjects</u>
English	Physical Education
Mathematics	Health
Science	Home Economics
Foreign Language	Computers
Social Studies	Music
Business	Art

To check eligibility each coach and/or advisor is to submit a list of participants to the Athletic Director and/or main office at the start of practice or activity. The Athletic Director and/or Principal will notify each coach and/or advisor of a student's eligibility.

If it is suspected that a classified student's failure is related to his or her disability, an immediate referral should be made to the CSE for review and modifications to the IEP if appropriate.

The policy will be effective the fifth week of each school year.

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, she/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

#### H. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### *Definitions*

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, for up to 45 school day, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action



results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury.

#### *Authority of School Personnel to Suspend or Remove Students with Disabilities*

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES following consultation with the student's special education teacher or service provider, where applicable, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension.

The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

*Procedures for the Suspension or Removal of Students with Disabilities by School Personnel*

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after

receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

#### *Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities*

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a disabled student in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### *Parental Notification of a Disciplinary Change of Placement*

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### *Authority of an Impartial Hearing Officer to Remove a Student with a Disability*

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

*Manifestation Review*

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

*Services for Students with Disabilities during Periods of Suspension or Removal*

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

*Students Presumed to Have a Disability for Discipline Purposes*

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections

set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### *Expedited Due Process Hearings*

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

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

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

#### ***Disciplinary and Remedial Measures***

The following shall constitute appropriate disciplinary and remedial measures authorized by this Student Code of Conduct. Remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. ADMINISTRATION HAS SOLE DISCRETION IN APPLYING THESE DISCIPLINARY AND REMEDIAL MEASURES.

1. Warning (oral or written), corrective instruction that reemphasizes behavioral expectation, restorative justice process, or other relevant learning or service experience.
2. Detention, reflective activity, supportive intervention and/or mediation where constructive conflict resolution is modeled.
3. Multiple Detentions, parent conference, counseling, behavioral assessment.
4. In School Suspension for up to five (5) school days, behavior management plan with benchmarks.
5. Suspension from school for up to five (5) school days.
6. Suspension from school in excess of five (5) days after a Superintendent's hearing. (Superintendent's Suspension)
7. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) school days.
8. Placement in an interim alternative educational setting for a period of up to forty-five (45) school days in the case of a student with a disability whose knowing possession or use of illegal drugs, or the sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
9. Permanent suspension (Expulsion)

#### Infractions with Penalty References

1. Tardiness to class/school (1, 2, 3)
2. Disturbances that disrupt instruction. (1, 2, 3, 4, 5)
3. Disturbances in a non-instructional setting. (1, 2, 3, 4, 5)
4. Carelessness in failing to follow school rules and staff directions. (1, 2)
5. Repeatedly disruptive and/or substantially interferes with the teacher's authority in class, giving rise to removal on four or more occasions per semester. (4, 5, 6)
6. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction in this code. (1, 2, 3, 4, 5, 6)
7. Class, study hall, homeroom, teacher detention, principal detention cuts. (2, 3, 4)
8. Dress or grooming which is inappropriate as described in this code. (1, 2)
9. Use of electronic devices in the classroom setting except as directed by school personnel. (First Offense-Warning, Second Offense-Confiscation to office & parent notification, Third Offense-Referral with progressive consequences (2,3,4)
10. Use of any electronic/digital device to take photographs/videos at any time on school property without the express permission of the person(s) being



photographed/videotaped and/or in violation of privacy rights of others on school property or at school activities, whether on or off school property, is prohibited. (2, 3, 4, 5)

11. Violation of computer use policy. (2, 3, 4, 5, 6) (Suspension of computer privileges)
12. Cheating/Plagiarism in any academic, extra-curricular or co-curricular activity. (2, 3, 4, 5) (Academic sanction)
13. Bullying and Cyberbullying. (1, 2, 3, 4, 5, 6)
14. Harassment (sexual, racial, etc.), intimidation or coercion (4, 5, 6)
15. Smoking or other tobacco use and/or possession and/or distribution (including e-cigarettes or “vapes” or other nicotine delivery devices) on campus (or within 100 feet of the entrances, exits or outdoor areas of any school) or at school functions. (4, 5)
16. Abusive language and/or indecent gestures directed at staff, students and/or visitors on school grounds or at school functions. (2, 3, 4, 5)
17. Abusive and/or indecent language and/or gestures directed at school employees or students on school grounds or at school functions which provoke a fight. (3, 4, 5)
18. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation. (4, 5)
19. Fighting between students where harm is caused to one or more of the combatants. (4, 5, 6, 9)
20. Fights involving the use or threatened use of a dangerous or deadly weapon. (5, 6, 7, 9)
21. Any violent act against a teacher or other staff member, as described in this code. (6, 9)
22. Any violent act against another student or person in the school or at a school function, as described in this code. (5, 6, 7, 8, 9)
23. Possession of illegal drugs or substances (“drugs”), dangerous drugs, counterfeit/synthetic drugs or alcohol, (including synthetic cannabinoids), whether specifically illegal or not) or a substance, which the individual believes or represents to be such drugs or alcohol including “vapes” or “hookahs” containing drugs, unauthorized prescription medication, dangerous or deadly substances (including but not limited to chemicals and inhalants) at school or at school related functions. (5, 6, 8, 9)
24. Use of or being under the influence of illegal drugs or substances (“drugs”), dangerous drugs, counterfeit/synthetic drugs or alcohol, (including synthetic cannabinoids) or a substance, which the individual believes or represents to be such drugs or alcohol, unauthorized prescription medication, dangerous or deadly substances (including but not limited to chemicals and inhalants), at school, or while attending school functions. (5, 6, 8, 9)
25. Sale or other distribution of illegal drugs or substances (“drugs”), alcohol or counterfeit/synthetic drugs, including synthetic cannabinoids, or a substance,

- which the individual believes or represents to be such drugs or alcohol, unauthorized prescription medication, dangerous or deadly substances (including but not limited to chemicals and inhalants) at school, or while attending school functions. (6, 8, 9)
26. Commission of conduct, which constitutes a misdemeanor while on school property or at a school function. (5, 6, 7, 9)
  27. Commission of conduct, which constitutes a felony while on school property or at a school function. (5, 6, 7, 9)
  28. Intentional destruction of school property (3, 4, 5, 6, 9)
  29. Theft on school property (3, 4, 5, 9)
  30. Mental or physical condition which endangers the health, safety and/or welfare of the student or others. (3, 4, 5, 6, 9)
  31. "Pantsing"- the deliberate pulling down of another's pants to cause embarrassment. (5, 6)
  32. Driving recklessly, speeding, failing to follow school crossing guard's directives on school grounds. (Loss of parking privileges, 3, 4, 5)
  33. Forgery or fraud (3, 4, 5, 6)
  34. Leaving campus without authorization. (3, 4, 5, loss of parking privileges)
  35. Parking in unauthorized areas. (1, 2, 3, loss of parking privileges)
  36. Public displays of affection beyond hand holding. (1, 2, 3)
  37. Unauthorized absence from school. (1, 2, 3, 4)
  38. Trespassing while suspended from school. (4, 5, 6)
  39. Activation or threat of a false alarm, bomb threat or other disaster alarm.(5,6, 7, 9)
  40. Possession of dangerous or deadly weapons on school property. (7, 9)
  41. Possession of fireworks on school property or at school functions. (5, 6)
  42. Use of fireworks while on school property or at school functions. (5, 6, 7, 9)
  43. Gambling. (3, 4, 5)
  44. Hazing. (3, 4, 5)
  45. Possession or dissemination of obscene materials. (2, 3, 4, 5)
  46. Lewd Behavior. (3, 4, 5, 6)
  47. Extortion. (5, 6, 9)
  48. Arson. (5, 6, 9)
  49. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process. (1,2,3,4,5,6)
  50. Refusing to abide by required District Health and Safety Protocols, including the wearing of an approved face covering while on school grounds and District Provided Transportation. (1,2,3,4,5,6)

THE REPEATING OF AN INFRACTION MAY LEAD TO THE IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.

CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM SUSPENSION

### ***Public Conduct on School Property***

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

### ***Prohibited Conduct***

No person, either singly or in concert with others, shall:

- willfully cause physical injury to any other person, or threaten to do so;
- intimidate, bully (including cyberbullying), harass or discriminate against any person on the basis of based on a person's actual or perceived: race, color weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex (Education Law §11[7]).
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or other school activities;

- deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not a license to possess the same has been issued to such person;
- Drive recklessly, speed or fail to follow school cross guard or traffic directions on school grounds, or park in unauthorized areas;
- Use or distribute any cigarettes, electronic cigarettes, tobacco or tobacco products on school property and within 100 feet of the entrances, exits or outdoor areas of any school;
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; and/or
- violate any federal or state statute, local ordinance or Board policy while on school property or at a school function.

#### ***Penalties and Procedures***

A person who shall violate any of the provisions of these rules as determined by the Superintendent of Schools or Board of Education shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

#### **Golden Hill Elementary Guidelines**

For atypical situations for an elementary school-aged child, the principal may use “Infractions with Penalty References” (pages 36-37).

Interventions will be given based on the following guidelines and is at the discretion of the principal within the parameters of District policy. Alternative intervention may be decided by the principal and parents.

**Intervention:** When an adult tries to stop something from happening or help to resolve something that already is happening, like if someone is bothering you or worse, bullying you, they will try to help you learn ways to stop problems like bullying from happening, and skills to help you if problems do happen. An intervention will include activities that will teach you the right way to do things and will teach you skills to use in a situation.

Sometimes, an intervention may involve remediation. Remediation is when an adult or school official (like your teacher or principal) shows you the correct way to do something, so a similar situation won't happen again. Remediation might be with one student, or the school might decide to have all the students listen to and learn how to prevent disagreements and problems like bullying from happening.

The intervention will focus on safety, of the person or group who feels bullied, and of the safety of the whole school. If you see someone getting bothered, bullied or treated the wrong way, tell an adult or teacher in school right away so they can get everyone the help that they need.

The intervention for bullying will be based on what happened during the incident of the bullying. Some things that will be considered when deciding on a consequence will include- what happened during the bullying, how old the involved students are, and if they have a history of making wrong choices.

**Possible Interventions are listed below, and may be utilized by the principal and his/her designee:**

**Behavior Assessment/Plan** - A plan developed specifically for the student detailing strategies for improving his/her behavior and consequences if the negative behavior continues. It also will include positive reinforcement for positive behavior.

**Reflection - (before school, after school, and/or while eating lunch)** - In a quiet area, the student will write and reflect on his/her behaviors. This period of time may be during lunch or after school hours.

**Parent conference** - A meeting scheduled with principal, parent, and /or staff members.

**Intervention** - When an adult tries to stop something from happening or help to resolve something that is already happening, like someone bothering you or more serious problem, like bullying.

**Student conference/Corrective Instruction/Other Learning Experience/Mediation/Restorative Justice Process** - A meeting between the student and teacher, school counselor/psychologist and/or principal/designee to discuss why the behavior is unacceptable and make a plan or other learning experience so that it doesn't happen again.

**Time out** - Student will be removed from the activity.

**Restitution** - Replace or repair damage

**In-School suspension** - Student is removed from the daily routine of school, but remains in the building. Students are expected to be engaged in school work.

**Out of school suspension** - Student's rights and privileges of attending school are suspended up to 5 days.

### **Enforcement**

The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action herein before provided.

The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude 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 provided for therein.

Cross-ref: 0110, Sexual Harassment  
5500, Student Records

Ref: Individuals with Disabilities Education Act, 20 USC §1415(k);  
34 CFR § 300.530 *et seq.*  
N.Y. Education Law § 3214(g)  
8 NYCRR Part 201

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