

Proposed Changes and Updates to the 2019-2020 Code of Conduct for 2020-2021

Mtg: Wednesday May 6, 2020 Members present(zoom): Tom, Mike, Gretchen, and Dan

**Updates to Code of Conduct for 2020-2021**

Front Cover: Changed date from 2019-2020 to 2020-2021

Page 3: Unbolded #10 (Was bolded and no others were)

Page 5: Changed the word from **classroom** to **building**

**Added:** *The principal has the discretion to modify the dress for special occasions or activities.*

Page 6: **moved** “or violent offenders” to the line above. The spacing was not correct.

Page 13: There is an area highlighted in RED. We are waiting to hear from Officer Churches on specific “new” regulations. **STILL NEEDS TO BE CHANGED TO CORRECT DATA**

**\*Sent info to District Law Firm for guidance on verbiage.**

Page 21: We added (#7 from page 6) to (#10 on page 21.) **Not promote and/or endorse the use of alcohol, tobacco, juuls, vapes, or illegal drugs and/or encourage other illegal or violent activities.**

# **Elmira Heights Central School District**

## **CODE OF CONDUCT**

## **I. Introduction**

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

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on these principles of character: respect, citizenship, responsibility, caring, fairness, trustworthiness, and safety.

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

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

## **II. Definitions**

For purposes of this code, the following definitions apply:

- "Disruptive student" means an elementary or secondary student under the age of 21 who substantially interferes with the school personnel's authority over the classroom on school premises or at school events.
- "Parent" means parent, guardian or person in parental relation to a student.
- "School property" means in or within any building structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school or in or on a school bus, as defined in Vehicle and Traffic Law 142.
- "School function" means any school-sponsored extra-curricular event or activity.
- Bullying is any behavior, person(s), exhibit that intends to harm or distress a targeted person or persons'
- Harassment and Intimidation is defined as any act, written, verbal or physical, or any electronic communication (i.e., cyber bullying) that substantially interferes with a student's educational benefits, opportunities or performance, that take place on school property, or at any school-sponsored activity, at any official school bus stop immediately before boarding and following de-boarding and while traveling to or from school
- "Electronic Communications" means any form of communication by or between individuals that violates the *Dignity For All Students Act*

### Acts outside of school

- If the school can show that the offensive off-campus conduct has a sufficient relationship to the school, or that it can potentially cause an in-school disruption, we have the right/obligation to follow up with an investigation and disciplinary consequences when appropriate.
- "Violent student" means a student under the age of 21 who:
  1. Commits an act of violence upon a school employee or attempts to do so.
  2. Commits while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or
  3. Possesses, while on school property or at a school function, a dangerous instrument.
    - "Dangerous Instrument" means any instrument, article or substance, including a "vehicle" which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing physical injury, serious physical injury or death. Or as that term is defined in New York State Penal Law and 18 USC §921 for purposes of the Gun-Free Schools Act. (Refer to page 7 paragraph 4)

4. Displays, while on school property or at a school function, what appears to be a dangerous instrument.
  5. Threatens, while on school property or at a school function, to use a dangerous instrument.
  6. Knowingly, intentionally, recklessly, or with criminal negligence damages or destroys the personal property of any school employees or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys school district property.
  8. Commits any behavior that would require the district to complete a Violent and Disruptive Incident Report. (VADIR)
- Suspension is the removal of a student from school, transportation or other school related activities based upon a serious or repeated violation of the Code of Conduct.

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

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

The district is committed to safeguarding the rights given to all students under state, federal law and in accordance with the *Dignity for ALL Students Act*. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis and be free from all forms of harassment, particularly those based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

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

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers and administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. **Accept responsibility for their actions.**
11. Conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **IV. Essential Partners**

##### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Provide the school with up-to-date residency and phone/emergency contact information (permanent number? i.e. grandparents, someone with stable location)
5. Ensure that absences are legally excused (as defined by New York State Law). See Attendance Policy
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Follow all school rules that apply to all aspects of the Elmira Heights Community
10. Convey to their children a supportive attitude toward education and the district.
11. Build good relationships with teachers, other parents and their children's friends.
12. Help their children deal effectively with peer pressure.
13. Inform school officials of changes in the home situation that may affect student conduct or performance.
14. Provide a place for study and ensure homework assignments are completed.
15. Communicate with teachers, administrators and other school personnel in a respectful, positive manner.

##### **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Communicate with teachers, administrators, and other school personnel in a respectful, positive manner.

##### **C. Guidance Counselors/Social Workers**

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

##### **D. Support Staff (Teacher Aides, Assistants, Nurses, Secretaries, Bus Drivers, Maintenance)**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.

2. Support the development of and student participation in appropriate extracurricular activities.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Communicate with teachers, administrators and other school personnel in a respectful, positive manner.

E. Principals

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

F. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and State and Federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

G. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

**V. Student Dress Code**

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

A student's dress, grooming and appearance, including jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate. No skin at the midriff should be seen.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or hoods in the building except for a medical or religious purpose. The principal has the discretion to modify the dress for special occasions or activities.
6. Not include items that are vulgar, obscene (any material or performance either actual or simulated that administration, considering community standards, would deem offensive or indecent), and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or

- disability.
7. Not promote and/or endorse the use of alcohol, tobacco, juuls, vapes, or illegal drugs and/or encourage other illegal **or violent activities**
  8. Not be construed as intimidating (e.g. Gang wear)
  9. Fit appropriately
  10. Skirts and shorts must be of modest length.

Certain events such as concerts and dances may have a special dress code. Students will be notified of those particular codes in time to prepare appropriately.

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

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

## **VI. Prohibited Student Conduct**

**In accordance with the Dignity for All Students Act:** The Dignity for All Students Act is intended to give students in public schools an educational environment free from discrimination and harassment. Provisions prohibit discrimination and harassment against any student **by employees or students** on school property or at a school function, that creates a hostile environment by conduct with or without physical contact and/or verbal threats, intimidation or abuse of such a severe nature that: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex. It protects against all forms of harassment, particularly those based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

The Dignity for All Students Act also creates a framework for promoting a more positive school culture through sensitivity, training and classroom curricula on diversity.

Other prohibited student conduct includes, but is not limited to:

- a. Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer, and cider having alcoholic content.
- b. Being under the influence of, possession, sale or gift of any drug, controlled substance, or look-alike drug. Including, but not limited to, marijuana, synthetic cannabinoid products, or any instruments for the use of such drugs controlled substance, marijuana or synthetic cannabinoid products such as a pipe, syringe or other paraphernalia, while on school premises (including buildings or grounds) or on a bus going to or from a school function or school sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician whom is to be taken by the particular student at the time in question.
- c. Stealing, lying, cheating, plagiarism or other acts of dishonesty.



- d. Verbal intimidation.
- e. Physical intimidation.
- f. Hazing.
- g. Bullying.
- h. Gang related activities.
- i. Unwanted physical contact
- j. Unwanted physical contact including sexual harassment
- k. Fighting or causing physical harm to another.
- l. Disrespect toward a faculty member.
- m. Possession or use of a dangerous instrument as defined on page 2.
- n. Failure to comply with the directions of a teacher, administrator or other school employee.
- o. Engaging in acts of sexual harassment as defined in the district's sexual harassment policy.
- p. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person.
- q. Selling, using or possessing obscene material.
- r. Lateness for, missing or leaving school/class without permission or excuse given by a faculty member.
- s. Any willful act which disrupts the normal operation of the school community.
- t. Possession of tobacco products, simulated tobacco products and smoking a cigarette, electronic, juul, vapor cigarette, cigar or pipe, or using chewing or smokeless tobacco within the posted drug free school zones.
- u. Interfering with the teacher's authority over the classroom.
- v. Acting as a violent pupil.
- w. Vandalizing school property or the property of a student or staff member.
- x. Violating the district's dress code.
- y. Obstructing vehicular or pedestrian traffic.
- z. Misuse of Social Media
- aa. Misuse of Internet/Network systems per "Acceptable Use Regulations".
- bb. Unauthorized use of personal as well as school images including the posting thereof.
- cc. Unauthorized use of electronic devices.
- dd. Conduct detrimental to school order.
- ee. "Serious violent incident means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff because of an imminent threat to their safety or health, including, but not limited to: riot, hostage-taking kidnapping and/or use or threatened use of a firearm, explosive, bomb, incendiary device, chemical or biological weapon, knife or other dangerous instrument capable of causing death or serious injury."
- ff. Trespassing on school property including all buildings, grounds, vehicles and all school property. Trespassing shall apply to any time the campuses are not available for normal student use. The district reserves the right to consider individual cases and times as needed.
- gg. Truancy or tardiness to school

The range of penalties which may be imposed for the conduct set forth above is as follows:

- 1. Verbal warning;
- 2. Written referral/Student Conduct Form;
- 3. Notification to parent (written, electronic or personal contact);
- 4. Counseling;
- 5. Probation;
- 6. Reprimand;
- 7. Detention;
- 8. Suspension from transportation;
- 9. Suspension from athletic participation;
- 10. Suspension from social or extracurricular activities;
- 11. Suspension of other privileges including use of computer/Internet systems.
- 12. Exclusion from a particular class;
- 13. Involuntary transfer; or



14. Suspension upon instruction.
15. Referral to appropriate law enforcement or government agency.

When the student repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or is violent. The maximum period is suspension upon instruction for five school days as well as suspension from athletic participation and social or extracurricular activities for the period of suspension upon instruction. The suspending authority may reduce the period of suspension as specified in the paragraph for good cause show, on a case by case basis, in a manner consistent with state or federal law.

Any suspension from attendance upon instruction for violation of any section may be imposed only in accordance with Education Law 3214(3).

The length of suspensions beyond the maximum for any violations of the Code of Conduct shall be determined by the superintendent. Disciplinary measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student.

In accordance with the Gun-Free Schools Law (20 U.S.C.A. 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. 8921), New York State Education Law 3214 (3), and this Board policy, the punishment for violation of Section (g) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the superintendent shall determine to modify such punishment. The superintendent's determination shall be on a case-by-case basis.

The term "firearm" as used in Section (G) is defined in 18 U.S.C.A. 921 (3) and shall include any dangerous instrument, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such dangerous instrument; any firearm muffler or firearm silencer; or any destructive device. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine or and device similar to any of those devices already described in the paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a dangerous instrument.

It shall be unlawful for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston, or CO2 cartridge upon school grounds or in any District building or vehicle without the express written authorization of the Superintendent or his/her designee.

The Superintendent shall refer a pupil who has been determined to have violated section (G) as follows:

1. If the pupil is under 16 years of age to Family Court in accordance with the Family Court Act, Article 3.
2. If the pupil is 16 years of age or older to the appropriate law enforcement agency.

A teacher may remove a disruptive student from the classroom for a period not to exceed five class days in relation to (t).

School property or school premises means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the schools of the district or in or on a school bus.

A school function shall mean a school sponsored extra-curricular event or activity on or off school property. Internet usage shall follow the District Usage Guidelines as follows: Refer to BOE policies 7314, 8270.

## **VII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, a guidance counselor, building Principal or his or her designees, or any other school personnel. Any student observing a student possessing a dangerous instrument, alcohol, contraband, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building Principal, the Principal's designee or the Superintendent.

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

Any dangerous instrument, alcohol or illegal substance found shall be secured immediately, if possible.

Administration will notify the parent of the student involved, and of the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

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

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

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

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

1. The student's age
2. The nature of the offense and the circumstances which led to the offense
3. The student's prior disciplinary record
4. The effectiveness of forms of discipline
5. Information from parents, teachers and/or others, as appropriate
6. Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education. The discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

#### **A. Penalties**

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

1. Verbal warning – any member of the district staff
2. Written referral/Student Conduct Form – Any member of the district staff.
3. Written notification to parent-teachers, Director of Transportation, Principal or designee, Superintendent.
4. Detention {lunch, before and after school, Saturday} - Teachers, Principal or designee, Superintendent
5. Suspension from transportation – Principal or Superintendent

#### **A. Penalties (Cont'd)**

6. Suspension from athletic participation – coaches, Principal or designee, Superintendent
7. Suspension from social or extracurricular activities – Principal or designee, Superintendent
8. Suspension of other privileges – Principal or Superintendent
9. Alternative Learning Site – Principal, Dean, Superintendent
10. Removal from classroom by teacher – teachers, Principal, Dean
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board of Education
12. Long-term (more than five days) suspension from school – Superintendent, Board of Education
13. Permanent suspension from school – Superintendent, Board of Education

#### B. Procedures

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

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

1. Detention  
Teachers, Principals or designee and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention. Lunch detention will not require prior parent approval.
2. Suspension from transportation  
If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.  
  
A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building Principal or the Principal's designee to discuss the conduct and the penalty.
3. Suspension from athletic participation, extra curricular activities and other privileges  
A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the students' parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.
4. Alternative Learning Site: The board recognized the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building Principals, Deans and the Superintendent to place student who would otherwise be suspended from school as the result of a Code of Conduct violation in the Alternative Learning Site.

A student subjected to an Alternative Learning Site assignment is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a

reasonable opportunity for an informal conference with the district official imposing the Alternative Learning Site to discuss the conduct and the penalty involved.

5. Suspension from school

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

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

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

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

a. Short-term (5 days or less) suspension from school: Out of school Suspension: OSS

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

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

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 10 business

days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the commissioner within 30 days of the decision.

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

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a dangerous instrument to school

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

1. The student's age
2. The student's grade in school
3. The student's prior disciplinary record
4. The Superintendent's belief that other forms of discipline may be more effective
5. Input from parents, teachers, and/or others
6. Other extenuating circumstances

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

2. Students who commit violent acts other than bringing a dangerous instrument to school



Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a dangerous instrument onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the students' parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a dangerous instrument.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law 3214(3-a) and this code on multiple occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a dangerous instrument.

D. Referrals

1. Counseling

All referrals for student counseling should follow the building procedures.

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

## **IX. Alternative Instruction**

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

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

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognized that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law regulations.

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

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

- A "suspension" means a suspension pursuant to Education Law 3214
- A "removal" means a removal for disciplinary reasons from the students' current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- The Board, the District (BOCES) Superintendent of Schools or a building Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.



- The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a dangerous instrument to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  1. Dangerous instrument means the same as "dangerous instrument" under 18 U.S.C 930 (g) (w) which includes "a dangerous instrument, device, instrument, material or substance, animate or inanimate, that is used for or is readily capable of causing death or serious bodily injury, except...{for} a pocket knife with a blade of less than 2 ½ inches in length."
  2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
  4. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - for more than 10 consecutive school days, or
  - for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving dangerous instruments, illegal drugs or controlled substances.

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

The District's Committee on Special Education shall:

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

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

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving dangerous instruments, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for service under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set for in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The Superintendent, building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either;
  1. conducted an individual evaluation and determined that the student is not a student with a disability, or
  2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to and IAES for either misconduct involving

dangerous instruments, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent Hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - The District requests such a hearing to obtain an order of an Impartial Hearing Officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
2. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving dangerous instruments, illegal drugs or controlled substances, or on grounds of being dangerous to one's self or others, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
4. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### E. Referral to law enforcement and judicial authorities

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

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

#### **XI. Corporal Punishment**

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

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

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

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

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

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of enforcement, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building Principals, Deans, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. Parents and students are informed that any gym bags, knapsacks, or packages that students carry in or on school property are subject to search at any time that the school officials have reason to believe contraband may be contained there in and that the District then has the option of initiating an unannounced canine search of any of its school buildings at any time of the day throughout that school year.

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

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

they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

a. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectations 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. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

c. 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 item(s) were found)
10. Disposition of items found
11. Time, manner and results of parental notification

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

d. Police Involvement in Searches and Interrogations of Students

It shall be the policy of the Elmira Heights Central School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials



may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

#### Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students.

Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

#### e. Child Protective Service Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Section 1604(9), 1604(30), 1709(33) and 2801  
Family Court Act Section 1024  
Social Services Law Section 411-428  
New York Code of Rules and Regulations (NYCRR) Section 100. 2(1)

### **XIII. Visitors to the School**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. 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.

7. All visitors are expected to abide by the rules for public conduct on school property contained in the Code of Conduct.
8. All visitors are expected to abide by the Code of Conduct's requirements prohibiting tobacco use within the Drug Free School Zone.

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

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

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

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

##### **a. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, or other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other activities.
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Enter; remain in or on any school district property without permission.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, synthetic cannabinoids or be under the influence of either on school property or at a school function. Not promote and/or endorse the use of alcohol, tobacco, juuls, vapes, or illegal drugs and/or encourage other illegal or violent activities.
11. Possess or use dangerous instruments in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.



b. Penalties

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

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

c. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

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

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

**XV. Dissemination and Review**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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

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

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

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

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

#### **XVI. Use of Surveillance Equipment**

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by the School District officials; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.