

# THREE VILLAGE CENTRAL SCHOOL DISTRICT

5300

## CODE OF CONDUCT

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# **THREE VILLAGE CENTRAL SCHOOL DISTRICT**

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### **INTRODUCTION**

The Board of Education is committed to providing a safe and orderly educational environment where students receive and district personnel provide quality educational services without disruption or interference. Three Village is also committed to maintaining, in the schools, a climate of mutual respect and dignity to promote learning within a safe environment. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, 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.

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### DEFINITIONS

For purposes of this code, the following definitions apply.

“Disruptive student” [3214 (2-a)(b)] means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

A substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. Therefore, any child whose behavior and/or actions interfere with the safety, education or basic rights of other individuals, or compromises their own safety or academic well being through their own behaviors or actions will be considered a disruptive student.

“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, on or off school property.

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence including assault upon a school employee, or attempts to do so.
2. Commits, while on or off school property or at a school function, an act of violence including assault upon another student or any other person lawfully on school property or at a school function, or attempts to do so.
3. Possesses, while on or off school property or at a school function, a weapon.
4. Displays, while on or off school property or at a school function, what appears to be a weapon.
5. Threatens, while on or off school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

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7. Knowingly and intentionally damages or destroys school district property.

“Assault with Physical Injury” intentionally, or recklessly, causing physical injury to another person, with or without a weapon. Pursuant to Penal Law §10.00(9), “physical injury means impairment of physical condition or substantial pain.” As a general rule, a physical injury is a minor injury, such as a scrape, minor cut, or minor bruising that does not involve a risk of death, disability, or disfigurement. Assaults involving injuries that are treated by the school nurse but do not require further medical attention should be included in this category.

“Assault with Serious Physical Injury” intentionally, or recklessly, causing serious physical injury to another person with or without a weapon. Pursuant to Penal Law §10.00(10), a “serious physical injury” means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ, i.e. disability.” As a general rule, a serious physical injury is one that requires hospitalization or treatment in an emergency room or clinic or treatment by a licensed health professional outside of the school setting and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement.

A “Weapon” is defined as 1) a firearm as defined in §921 of Title 18, United States Code, for purposes of the Gun-Free Schools Act, 2) a corrosive substance, or 3) a device or substance (capable through its design or alteration) of inflicting physical harm, including but not limited to ammunition, knives, “stun” guns, pellet guns, laser pointers, pyrotechnics, explosives or incendiary bombs, or dangerous chemicals.

“Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”

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### STUDENT RIGHTS AND RESPONSIBILITIES

All student interaction and communication among themselves, staff, and visitors on school property will be acceptable, civil, and respectful.

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

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, or sexual orientation or disability.
2. Present their version of the relevant events to the appropriate school personnel in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. A bill of rights for and responsibilities of students, which focuses upon positive student behavior and a safe and supportive school climate, written in plain-language, and publicized and explained in an age-appropriate manner to all students on an annual basis.

#### **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 all school staff in a respectful, positive manner.
6. Using direct resources, 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 and be accountable for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report safety threats to appropriate school personnel or to an adult regardless of one's impression that they may be pranks, idle threats, or bullying; for example, perceived acts of hazing, sexual harassment, and intimidation.
13. See something, say something.

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### ESSENTIAL PARTNERS

#### **A. Parents/Guardians**

All parents/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Respond promptly to school personnel when requested to do so.
14. Conduct yourself appropriately, using proper decorum and language.

#### **B. All Staff Members**

All staff members 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 and educational progress.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and, as needed, to parents, at an appropriate time;
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate, as needed, with parents and other teachers concerning student growth and achievement.
7. Immediately report and refer a violent pupil to the principal.

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## **C. Student Support Service Personnel**

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

## **D. Building Administration**

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.

## **E. 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.

## **F. 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.

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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, and courteous manner.
4. Report in writing to the Building Principal any knowledge of child abuse.



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### STUDENT DRESS CODE

The responsibility for student dress and general appearance shall rest with individual students and parents. However, the Board of Education requires students to attend school in appropriate dress and jewelry that meet health and safety standards and do not interfere or distract from the learning process. The Board also requires students to wear appropriate protective gear in certain classes and activities (i.e. family and consumer sciences, art, physical education, athletics, technology, science lab.) Hats, clothing, jewelry, and other attire which display an expression or insignia that is obscene or libelous, that advocates prejudice or violence, that promotes the use of or advertises drugs or alcohol, or that is gang related are forbidden.

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

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

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely revealing or excessively form fitting garments, such as, but not limited to, tube tops, net tops, halter tops, plunging necklines (front, back, and/or side,) and see-through garments are not appropriate.
3. Ensure that undergarments are 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, caps, sunglasses, bandanas, hoods, and other headgear in the school/classroom except for medical, religious, or educational reasons.
6. Not include items that are vulgar, obscene, 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, or illegal drugs, and/or encourage other illegal or violent activities.

Each Building Principal or his/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, 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.

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### INTERNET/NETWORK USE

The Board of Education of the Three Village Central School District desires to have students and staff use modern technology to meet the information needs of their work and assignments. As a result, the District will provide students and staff with access to the Internet/network. Access to the Internet/network will enable students and staff to explore thousands of libraries and databases. Internet/network access from school computers and through district network is reserved solely for educational purposes. The District reserves the right to monitor all Internet/network access in order to maintain educational goals.

The Three Village Central School District will provide guidance to students as they utilize Internet/network resources to conduct research and other studies related to the District curriculum. No student or staff member may alter, or attempt to alter, the configuration of the District network, workstations, or Internet access. Because the Internet is a global network, it is impossible to control all materials accessed through the Internet/network or transmitted by users.

However, the District shall take precautions to control access to materials which:

1. Promote violence or advocate destruction of property including, but not limited to, access to information concerning the manufacture of destructive devices such as explosives, fireworks, smoke bombs, incendiary devices or the like.
2. Promote pornography or other sexually oriented material.
3. Advocate or promote violence or hatred against particular individuals or groups of individuals or advocate or promote the superiority of one racial, ethnic, or religious group over another.
4. Advocate and promote violence, or drug or alcohol use.
5. Promote or advocate cyber bullying.

The Superintendent of Schools, working with the Executive Director of Instructional Technology, shall establish regulations governing the use and security of the District's computer network. All users of the District's computer network and equipment shall comply with this policy and those regulations. Failure to comply may result in disciplinary action and/or revocation of computer access privileges.

Users have no expectation of privacy for any materials created, copied, downloaded, or accessed by the user on the workstation, including hard copies of such materials.

Inappropriate use of the Internet/Network System is prohibited and is subject to discipline, including written reprimand and cessation of access privileges. (Ref.: Policy 4526 Internet/Network Use)

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### PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel, and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules, will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they take any of the following actions on school grounds, at a school event, or off school grounds if such action disrupts the educational process in the schools. Students shall not engage in the following:

**A. Conduct that is disorderly.**

Examples of disorderly conduct include, but shall not be limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, or abusive.
4. Obstructing vehicular or pedestrian traffic, including illegal parking on school property.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building or on school property, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Misusing computer/electronic communications devices, including any unauthorized use of computers, software, or Internet/Intranet account; accessing inappropriate websites; or any other violation of Section §5300.21.

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8. The use of cell phones and other unauthorized electronic devices (i.e. recording devices, cell phones, smart phones, and cameras) are not permitted during class time and during any testing, unless specifically directed by teachers. The use of recording devices, of any kind, is not permitted on school property and District transportation without the permission of the Building Principal/designee.
9. No skateboarding/skating in school or on school property unless part of a physical education class.

**B. Conduct that is insubordinate.**

Examples of insubordinate conduct include, but shall not be limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students, or otherwise demonstrating disrespect.
2. Unexcused lateness or cutting classes, truancy, missing, or leaving school without permission.
3. Failure to report to assigned detention or in-school suspension.

**C. Conduct that is disruptive.**

Examples of disruptive conduct include, but shall not be limited to:

1. Failing to comply with the directions or requests of teachers, school administrators, or other school personnel in charge of students.
2. Verbal, written, or graphic statements, communications, expressions, or illustrations that are threatening to person or property.

**D. Conduct that is violent and/or rises to the level of assault as defined herein.**

Examples of violent conduct include, but shall not be limited to:

1. Committing an act of violence (such as hitting, kicking, spitting, biting, punching, scratching or throwing of objects) upon a teacher, administrator, or other school employee, or attempting to do so.
2. Committing an act of violence including assault (such as hitting, kicking, spitting, biting, punching, scratching or throwing of objects) upon another student or any other person lawfully on school property, or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Using a weapon.

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7. Threatening to, or intentionally, damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
8. Threatening to, or intentionally damaging or destroying school district property, including graffiti or arson.
9. Threatening to or intentionally using food to cause physical, psychological, and/or emotional injury.

**E. Conduct that endangers the safety, morals, health, or welfare of others.**

Examples of such conduct include, but shall not be limited to:

1. Lying to school personnel.
2. Stealing district property, the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
3. Using vulgar or abusive language, cursing or swearing.
4. Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Harassment, bullying, threats, or intimidation directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing, demeaning, or threatening. [Ref: Policy 0115]
6. Intimidation, threats, or bullying, including engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort. [Ref: Policy 0115]
7. 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 which, with or without physical contact, and/or by verbal threats, intimidation or abuse, is of so severe a nature that it:
  - a) 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
  - b) reasonably causes, or would reasonably be expected to cause, a student to fear for his or her physical safety. Prohibited conduct includes, 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.
8. Cyber bullying that causes a disruption to the educational environment.
9. Any form of electronic messaging that causes disruption to the educational environment (e.g. sexting, tweeting, instant messaging, displaying or sharing lewd photographs).
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club, or team. Hazing related to any non-school related activity is also forbidden. [Ref: Policy 0115]

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11. Harassment, including overt or subtle behaviors and comments of a racial, religious, and ethnic nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile, or offensive working or educational environment. [Ref: Policy 0115]
12. Inappropriate touching and/or indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner. [Ref: Policy 0115]
13. Sexual harassment, including overt or subtle behaviors and comments that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile, or offensive working or educational environment. [Ref: Policy 0115]
14. Selling, using or possessing obscene material. [Ref: Policy 0110]
15. Smoking a cigarette, cigar, pipe, e-cigarette, or using chewing or smokeless tobacco, a vaporizer, e-cigarettes, or liquid nicotine. [Ref: Policy 5312.1 - Drug and Alcohol Abuse]
16. Possessing, consuming, selling, distributing, or exchanging tobacco products, e-cigarettes, vaporizers, liquid nicotine, alcoholic beverages or legal or illegal substances, or being under the influence of either or being in possession of drug paraphernalia. Inappropriately using or sharing prescription and over-the-counter drugs. "Illegal substances" shall include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substance commonly referred to as "designer drugs" or synthetic drugs, such as synthetic cannabinoids. [Ref: Policy 5312.1]
17. Possessing aerosol sprays (deodorants, body sprays, AXE) on school property. Aerosol sprays may pose a serious health risk to our students and staff. Spraying aerosols on campus is not permitted. Aerosol containers will be confiscated.
18. Consuming, buying, or selling energy drinks on school property. Energy drinks shall mean a beverage that is not strictly regulated by the Food and Drug Administration and that contains 75 or more milligrams of caffeine per 8 fluid ounces and generally includes a combination of other supplements such as methylxanthines, B vitamins, herbal ingredients, and other ingredients, which are advertised as being specifically designed to provide or increase energy.
19. Gambling
20. Initiating a report warning of fire, bomb, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
21. Using food, medication, drugs, or substances to bully and/or cause fear, intimidation or actual bodily harm.
22. The use of drones on school property, except under the direct supervision of staff, is strictly prohibited.

#### F. **Engage in misconduct while on a school bus.**

It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established

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standards for classroom behavior. Unsafe behaviors such as but not limited to excessive noise, use of expletives, throwing items out of the window, vandalism, bullying, pushing, shoving, jumping, standing, and fighting will not be tolerated.

**G. Engage in any form of academic misconduct.**

Examples of misconduct include, but shall not be limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

**H. Code of Academic Integrity**

The core purpose of public education is to maximize the success of each student's learning and personal development so s/he becomes a successful part of our democratic, multi-ethnic society. To fulfill these expectations, students must be prepared to accept responsibility for their actions and the impact they may have on others. To promote these values, the foregoing Academic Code of Conduct has been established.

Academic Dishonesty

The following constitute examples of academic dishonesty. This list is not meant to be all-inclusive:

1. Copying: Obtaining information pertaining to any work to be submitted for evaluation by deliberately observing the work of another.
2. Plagiarism: Representing the work(s) or idea(s) of another, not necessarily those of a student, as one's own through the deliberate omission of acknowledgement or reference.
3. Cribbing: The use or attempted use of prohibited material, information, or study aids in any work submitted for evaluation.
4. Fraud: The alteration of any documentation relating to the grading process including tampering with an instructor's grade book (including electronic gradebook).
5. Fabrication: The unauthorized falsification or invention of any information in a work submitted for evaluation, including the use of a purchased term/research paper.
6. Sabotage: The intentional or reckless destruction of another student's work to be submitted for evaluation.
7. Complicity: The intentional performance of an act with knowledge that it will assist another to commit an act of academic dishonesty as that term is defined in the Code.
8. Facilitation: Assisting someone in committing plagiarism, fabrication, cheating, or any other type of academic dishonesty.

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Teachers, administrators and any other member of the District staff shall promptly report any suspected violations of this Code to the Superintendent or his/her designee.

### Consequences of Academic Dishonesty

Any alleged act of academic dishonesty by a student, as defined above, shall be evaluated on a case-by-case basis by the Building Principal or his/her designee.

The Building Principal, or his/her designee, may take any or all of the following disciplinary actions when a student is found to have engaged in academic misconduct:

1. Parental notification
2. Oral reprimand
3. Written reprimand
4. No public recognition of academic honors
5. Ineligibility for/or removal from District sponsored honor societies
6. Withdrawal of District sponsored scholarship
7. The student shall receive a “zero” on the assignment or test
8. The student may receive a grade of 55 in the course and be dismissed from the course for the remainder of the semester/year with no credit

In addition to the above sanctions, any student removed from a course with a grade of 55, or any student that engages in academic misconduct, may not be eligible to receive any Three Village Central School District sponsored award, recognition, or hold any student leadership position.

Disciplinary sanctions beyond those listed here, including detention, in-school suspension and out-of-school suspension, may be issued by the Building Principal in addition to the academic sanctions listed above.

Any student believed to have engaged in academic misconduct shall have the right to an informal conference with the Building Principal to present his/her version of the events prior to the imposition of the above-listed sanctions.



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### WEAPONS

With the exception of Police Officers and New York State Peace Officers on official agency business, no person shall have a weapon in their possession while on district property, or when participating in district activities regardless of location, or in a place or vehicle under district jurisdiction.

With the exception of Police Officers and New York State Peace Officers on official agency business, any person with a concealed weapon must notify the building security officer and/or the building principal that they are carrying a concealed weapon.

A weapon is defined as:

1. A firearm, as defined in §921 of Title 18, United States Code, for purposes of the Gun-Free Schools Act.
2. A corrosive substance.
3. A device or substance capable (through its design or alteration) of inflicting physical harm, including but not limited to ammunition, knives, guns, “stun” guns, pellet guns, bb guns, laser pointers, pyrotechnics, explosives or incendiary bombs, or dangerous chemicals.
4. Any device made to resemble a weapon of any kind.

A student who brings a weapon to school shall be promptly referred to the appropriate criminal justice or juvenile delinquency authorities.

Except as otherwise provided by law or this policy, a student found guilty of bringing a weapon onto school property, following a hearing pursuant to Section §3214 of the Education Law, shall be suspended from school for one year. The Superintendent of Schools shall review the circumstances surrounding the offense and, on a case-by-case basis, may modify the penalty.

An exception to the prohibition in the first paragraph may be made by prior written permission of the principal in instances where a weapon is to be part of a dramatic or music performance or is to be used as an artifact in an instructional unit. As a prerequisite to such permission, all such weapons shall be rendered inoperative to the extent necessary to avoid and avert possible accidents or injury due to any use, handling, or misconduct, whether intentional or otherwise.

This policy shall not preclude the use of certain corrosive materials or sharp instruments by staff or medical personnel in the course of duty, shall not limit the rights of students classified disabled under the Individuals with Disabilities Act or Article 89 of the New York State Education Law, and shall not preclude the District from offering courses for instruction in the safe use of firearms.

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## CODE OF CONDUCT

### **GANG-RELATED ACTIVITY AND AFFILIATION**

By identifying the presence of gangs and/or gang affiliation in a school, administrators, educators, counselors and security personnel can take steps to prevent the proliferation of activity and mitigate the threat of violence in our schools.

Students and school personnel are prohibited from engaging in the following:

1. Wearing any combination of clothing and/or items which law enforcement agencies currently consider gang-related and/or promoting gang activity and affiliations as identified in the “Gang Identification Manual” attached hereto;
2. Displaying signs of gang affiliation or membership in gangs or organizations which law enforcement agencies currently identify as promoting violence or violent activities;
3. Displaying or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior;
4. Recruiting and/or threatening and/or initiating student and/or school personnel into gang membership or gang related activities;
5. Gang membership or engaging in gang related activity as identified in the “Gang Identification Manual” attached hereto;
6. Promoting and/or endorsing illegal or violent activities, including those acts in furtherance of gang purposes.

Students and school personnel may be subject to disciplinary action, in accordance with the District’s Policy and Code of Conduct, when they take any of the foregoing actions on school property, at a school event, or off school grounds if such action disrupts the educational process in the schools.

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## **CODE OF CONDUCT**

### **REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a staff member, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a staff member, the Building Principal, the Building Principal's designee, or the Superintendent of Schools.

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

In the event of an implied or direct threat of violence, including suicide, by a student against him/herself, the child's parent or guardian or person in parental relation will be contacted.

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

Each Building Principal, or his/her designee, must notify the appropriate law enforcement agency of Code violations that constitute, or reason to believe to constitute a crime, and substantially affect the order or security of the school, as soon as practicable. These reports will be submitted to the Superintendent/designee and filed with the New York State Education Department annually. The notification shall be made by telephone to 911, followed by a written police report.

School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts, should verbally notify the principal, superintendent, or their designee, no later than one (1) school day after receiving a report of such acts, and file a written report with the principal, superintendent, or their designee no later than two (2) school days after making such verbal report.

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## CODE OF CONDUCT

### **DISCIPLINARY CONSEQUENCES, 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 other forms of discipline.
5. Information from parents, teachers, and/or others, as appropriate.
6. Other extenuating circumstances.

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

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

#### **A. Disciplinary Consequences**

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede abilities, the District uses a variety of:

1. Positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities.
2. Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior.
3. Individual behavior management plans to improve students' abilities to understand the connections between their behavior and desired outcomes.

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As a general practice, and whenever possible, these interventions are used in combination prior to imposing more severe disciplinary consequences.

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination, based on the severity of the infraction. Authorized school personnel may impose that consequence, consistent with the students' right to due process.

1. Oral warning
2. Written warning
3. Oral communication to parent
4. Written notification to parent
5. Detention
6. Suspension from transportation
7. Suspension from athletic participation
8. Suspension from social or extracurricular activities
9. Suspension of other privileges
10. In-school suspension
11. Mediation
12. Removal from classroom by teacher
13. Short-term (five days or less) suspension from school
14. Long-term (more than five days) suspension from school
15. Permanent suspension from school
16. Restitution
17. Police referral
18. Alternative placement

### **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student with an opportunity to present his or her version of the facts.

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

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### 1. Detention

Teachers, Principals, and the Superintendent may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers and administrators shall have the authority to detain students from participating in such activities as recess, play activities, field trips, and after-school activities and co-curricular events. Detention will be imposed as a consequence only after the student's parent has been notified to confirm that there is no parental objection to the penalty and, if necessary, the student has appropriate transportation home following detention. Detention may be assigned before, during, or after the school day.

### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the school bus personnel are expected to bring such misconduct to the Principal's or his/her designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student 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 Principal or the Principal's designee to discuss the conduct and the penalty involved.

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

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

### 4. In-school Suspension/Support

The Board of Education recognizes the importance of school attendance. Therefore, suspension from school must be viewed as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms.

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In-school suspension/support shall be used as an alternative to suspension from school in order to provide more meaningful discipline and continuity of instruction. As such, the Board authorizes Principals, their designees and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension/support.” The in-school suspension/support staff will have New York State teaching certification.

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

### 5. Formal Removal of Disruptive Students by a Teacher

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

1. Short-term “time-out” in an elementary classroom or in an administrator’s office
2. Sending a student to the Principal’s office for the remainder of the class time only
3. Sending a student to a guidance counselor or other district staff member for counseling

Classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

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

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

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2. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.
3. The teacher must complete a District-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or his/her designee is not available by the end of the same school day, the teacher must leave the form with another administrative designee and meet with the Principal or designee prior to the beginning of classes on the next school day.
  - d. Within 24 hours after the student's removal by a teacher, the Principal or his/her designee must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal. The parent has no right to legal representation.
  - e. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
  - f. The Principal may require the teacher who ordered the removal to attend the informal conference if held during the teacher's normal workday.
  - g. If at the informal meeting the student denies the charges, the Principal or his/her designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.
  - h. The Principal or his/her designee may overturn the removal of the student from class if the Principal finds any one of the following:



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- 1) The charges against the student are not supported by substantial evidence.
  - 2) The student's removal is otherwise in violation of law, including the District's Code of Conduct.
  - 3) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- i. The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.
  - j. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
  - k. The Principal or his/her designee will keep a complete log (on a district-provided form) for all cases of removal of students from classes.
  - l. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### 6. Suspension from School

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

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

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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 (five days or less) suspension from school.

When the Superintendent or Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure 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 a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. Parents have no right to legal representation at this informal conference.

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 thirty (30) days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District Clerk within thirty (30) days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision of the Board.

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- b. Long-term (more than five days) suspension from school, permanent suspension, and removals or suspensions that constitute a disciplinary change of placement for students with disabilities (which could include an alternative special educational setting.)

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make 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 thirty (30) 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 of Education within thirty (30) days of the decision of the Board.

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

1. Students who bring a weapon to school

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

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

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

### 2. Students who commit violent acts other than bringing an illegal weapon to school

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five 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 (3a) and this code on four or more 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 consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing an illegal weapon.

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## **D. Referrals**

### 1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

### 2. PINS Petitions

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

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

School authorities should work closely with the student's parents, to the extent possible, when filing a petition.

### 3. Juvenile Delinquents and Juvenile Offenders

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

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

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

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### **ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, or when 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.

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## CODE OF CONDUCT

### DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. A student with a disability is defined by law as: (1) any student that receives IDEA due process (has an IEP) as defined by 20 USC 1401(a)(1); (2) any student who has not yet been determined to be eligible for service by the District has knowledge before the occurrence of the behavior prompting the student's qualification under the Individuals with Disabilities Education Act (IDEA). Knowledge is defined as: (a) when a parent expresses concern in writing to district personnel, (b) behavior/performance demonstrates need for service, (c) student's parent has requested an evaluation, and (d) student's teacher and/or district personnel have expressed concern in writing about the student's behavior or performance.

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

1. For purposes of this section of the Code of Conduct, the following definitions apply:
  1. A "suspension" means a suspension pursuant to Education Law §3214.
  2. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and also means a change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others and a change of placement to an IAES for behavior involving weapons, illegal drugs or controlled substances made by a Superintendent in conjunction with a Superintendent's hearing.

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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 current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function, or causes serious bodily harm to another at school.



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- 1) A “Weapon” is defined as 1) a firearm, as defined in §921 of Title 18, United States Code, for purposes of the Gun-Free Schools Act, 2) a corrosive substance, or 3) a device of substance capable (through its design or alteration) of inflicting physical harm, including but not limited to ammunition, knives, “stun” guns, pellet guns, laser pointers, pyrotechnics, explosives or incendiary bombs, or dangerous chemicals.
- 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 Substance Act or any other federal law.
3. Subject to specified conditions required by both federal and State law and regulations, an impartial hearing officer may order the placement 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:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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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 weapons, illegal drugs or controlled substances.

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

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

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

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

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

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such knowledge, the student will be considered a student with a disability for discipline purposes.

- a. The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student deemed to have a disability.
- b. A student will not be considered 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 shall remain in the educational placement determined by the District, which can include suspension.

- 1) The District shall provide parents with notice of disciplinary removal no later than the date on which decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/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.
- 2) 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.

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- 3) 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.
- 4) 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.
- 5) 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:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement from a determination of whether the suspension or removal constitutes a disciplinary change of placement, or from a CSE recommendation to change the placement of the student after the IAES term expires, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or

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until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

- 2) 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.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The District shall, in cases involving the reporting of a crime by a student who has been classified as a student with a disability, transmit a copy of the student's special education and disciplinary records for consideration by the appropriate law enforcement authorities to whom it has reported the crime after consent of the student's parent has been obtained or as otherwise provided under the federal Family Educational Rights and Privacy Act.

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## CODE OF CONDUCT

### **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. In addition, the use of aversive interventions is strictly prohibited.

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 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.

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## CODE OF CONDUCT

### 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/guardian before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Building Principals, Assistant Principals, the school nurse and district security officials to conduct searches of students and their belongings in accordance with this policy and the District’s Code of Conduct. 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 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 that 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 of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever 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 Policy and the District’s Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students

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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, an authorized school official has reasonable suspicion to believe it is necessary to conduct a strip search of a student, the Building Principal or his/her designee shall make a determination. 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/guardian by telephone before conducting a strip search, or in writing after the fact if the parent/guardian could not be reached by telephone.

### 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 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.



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

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe 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;
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Probable cause to believe that a crime is about to be 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/guardian to give the parent/guardian the opportunity to be present during the police questioning or search. If the student's parent/guardian 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.

### E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will 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 access to any child named as a victim in a report of suspected abuse or maltreatment, or a sibling of that child, or a child residing in the same home as the named victim. Such "access" to a child includes making a child available for an interview without a court order or the consent of the parent/guardian when CPS encounters circumstances that warrant interviewing the child apart from the family/household member or the home/household where the child abuse or maltreatment allegedly occurred.

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All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal shall immediately notify the Superintendent of Schools of such communication. 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/guardian's consent.

Ref: Social Services Law §425  
18 NYCRR §432.3

*Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)

*Vassallo v. Lando*, 591 F.Supp.2d 172 (E.D.N.Y. (2008))

*Phaneuf v. Fraikin* 448 F.3<sup>rd</sup> 591 (2006)

*New Jersey v. TLO*, 469 U.S. 325 (1985)

*In re Gregory*, 82 N.Y.2d 588 (1993)

*People v. Scott D.*, 34 N.Y.2d 483 (1974)

*People v. Singletary*, 37 N.Y.2d 310 (1975))

*People v. Overton*, 20 N.Y.2d 360 (1969)

*M.M. v. Anker*, 607 F.2d 588 (2d Cir. 1979)

*Opinion of Counsel*, 1 EDR 800 (1959)

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## CODE OF CONDUCT

### 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. All visitors to the school must enter through the designated single point of entry. There they will be required to present photo identification, 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 after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. 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.
7. The Board of Education authorizes the Superintendent of Schools to temporarily ban any visitor from all school property who refuses to abide by the rules for public conduct on school property contained in this Code of Conduct. The visitor will remain banned pending the next Board of Education Meeting, at which time the Board may pass a resolution banning the visitor for a specified period of time.

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## CODE OF CONDUCT

### PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, 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. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence, either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers, or except as specifically authorized by the school district.
11. Loiter on or about school property.

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12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

### **B. Penalties**

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

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

### **B. Enforcement**

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

When the Principal or his/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/her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or his/her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his/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 consistent 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.

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## CODE OF CONDUCT

### DISSEMINATION AND REVIEW

#### **A. Dissemination of Code of Conduct**

The Superintendent of Schools or Designee will work to ensure that the community is aware of this Code of Conduct by:

1. Providing the Code of Conduct on the District website. Copies will be provided upon request.
2. Providing a plain-language summary of the code to all students at a general assembly held at the beginning of each school year.
3. A summary of the Code of Conduct is provided in the District calendar.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members.

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.

#### **B. Review of Code of Conduct**

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

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

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

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

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Adopted: June 26, 2001	Revised: October 25, 2011
Revised: November 12, 2002	Revised: July 2, 2012
Revised: June 8, 2004	Revised: July 2, 2013
Revised: September 22, 2005	Revised: August 27, 2014
Revised: November 8, 2005	Revised: July 1, 2015
Revised: October 9, 2007	Revised: July 13, 2016
Revised: September 8, 2009	Revised: February 8, 2017
Revised: November 30, 2010	Revised: August 22, 2018