

CODE OF CONDUCT

INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students and 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 and 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" means an elementary or secondary student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"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.

"Violent student" means a student who:

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

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

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this Code of Conduct dealing with employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its

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students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

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

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Discrimination” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Harassment” and/or “bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and nonverbal actions (emphasis added).

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STUDENT RIGHTS AND RESPONSIBILITIES

The Board of Education assures district students that they shall have all the rights afforded them by federal and state constitutions, statutes and district policy. The District recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

The District's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities which stimulate and challenge the student's interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner and does not infringe upon the rights of others.

A. Student Rights

It shall be the right of each district student:

1. To have a safe, healthy, orderly and courteous and supportive school environment;
2. To take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex;
3. To attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. To have school policies, regulations, rules and conditions available for review and, whenever necessary, explanation by school personnel;
5. To be suspended from instruction only after his or her rights pursuant to Education Law Section 3214 have been observed; and
6. In all disciplinary matters, to have the opportunity to present his or her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.

B. Student Responsibilities

It shall be the responsibility of each district student:

1. To be familiar with and abide by all district policies, rules and regulations pertaining to student conduct;
2. To work to the best of his or her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. To conduct himself or herself, when participating in or attending school-sponsored extracurricular events, as a representative of the District and as such, hold himself or herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his or her actions;
4. To seek help in solving problems that might lead to discipline procedures;
5. To be in regular attendance at school and in class;
6. To contribute to the maintenance of an environment that is supportive, conducive to learning and to show due respect to other persons and to property;
7. To dress in accordance with standards consistent with the health, safety, and welfare of students and the orderly and efficient operation of the school;
8. To make constructive contributions to the school, and to report fairly the circumstances of school-related issues.

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ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school 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.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Communicate to students:
 - a. Classroom rules
 - b. Ramifications of violating classroom rules
4. Report violent students to the building principal
5. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

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C. Guidance Counselors

1. Will handle all referrals of students to counseling.
2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
3. Confront issues of discrimination and harassment or any situation that threaten the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
5. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a guidance counselor's attention in a timely manner.

D. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Ensure that students have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
4. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Principal/Administrator's attention in a timely manner.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
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.
6. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination and harassment that are witnessed or

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otherwise brought to the Superintendent's attention in a timely manner.

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.
2. Adopt and review at least annually the District's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Board member's attention in a timely manner.

G. Other School Personnel

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Board member's attention in a timely manner.

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STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

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. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. 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.
4. 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, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
 - 1. Making unreasonable noise.
 - 2. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 3. Obstructing vehicular or pedestrian traffic.
 - 4. Engaging in any willful act which disrupts the normal operation of the school community.
 - 5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 - 6. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
 - 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. Lateness for, missing or leaving school without permission.
 - 3. Skipping detention.

- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - 2. Substantially, interfering with the teacher's authority over the classroom or substantially disrupting the educational process.

- D. Engage in conduct that is violent. Examples of violent conduct include:

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1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) 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. 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.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, by any means including electronic transmission, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, gender identity or disability as a basis for treating another in a negative manner.
 5. Harassment, by any means including electronic transmission, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
 6. Intimidation, by any means including electronic transmission, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. 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.
 8. Selling, using or possessing, by any means including electronic transmission, obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs" or synthetic cannabinoids.
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Using or possessing drug paraphernalia.
 14. Gambling.
 15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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17. Sexting or sending or posting private or public threats by any means including electronic transmission to or against any other student or member of the administration, faculty or staff of the Syosset Central School District; or if the conduct occurs off school property or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.
- 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 standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct by any means including electronic transmission. Examples of academic misconduct include:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.

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REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the 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.

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.

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

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DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Disciplinary action, when necessary, will be firm, fair and consistent in order to be most effective in changing behavior. Such action will be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student in question.

Any staff member observing a violation of this policy by students shall report the incident immediately to the building principal or his/her designee. The principal or his/her designee shall then take immediate action to stop any further prohibited conduct and confiscate any contraband.

If the student is found to have committed the violation of which he/she is accused, the principal or school personnel authorized to impose disciplinary penalties will impose the penalties listed below either alone or in combination. The principal or school personnel authorized to impose disciplinary penalties shall take into consideration all relevant factors in determining the appropriate penalty.

A. Penalties/Remedial Measures

The range of penalties/remedial measures, which may be imposed for violations of the student disciplinary code, includes the following:

1. Peer support groups
2. Corrective instruction or other relevant learning or service experience
3. Supportive intervention
4. Behavioral assessment or evaluation
5. Behavioral management plans, with benchmarks that are closely monitored
6. Student counseling and parent conferences
7. verbal warning – any member of the district staff
8. written warning – coaches, teachers, administrative assistant, assistant principal, principal
9. written notification to parent(s) or guardian(s) - teachers, administrative assistant, assistant principal, principal
10. probation - teachers, administrative assistant, assistant principal, principal
11. reprimand - teachers, administrative assistant, assistant principal, principal
12. detention - teachers, administrative assistant, assistant principal, principal
13. suspension from transportation – administrative assistant, assistant principal, principal, Superintendent
14. suspension from athletic participation - coaches, administrative assistant, assistant principal, principal, Superintendent
15. suspension from social or extracurricular activities – teacher, club advisor, coach, administrative assistant, assistant principal, principal, Superintendent
16. suspension of other privileges - administrative assistant, assistant principal, principal, Superintendent
17. removal from a particular class - teachers, administrative assistant, assistant principal, principal
18. exclusion from a particular class - teachers, administrative assistant, assistant principal, principal
19. Alternative Study Center (During-School-Hours Detention) assignment - administrative assistant, assistant principal, principal

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20. suspension for five days or less - principal, Superintendent, Board of Education
21. suspension for more than five days by the Superintendent or Board of Education - Superintendent, Board of Education

In addition, if a criminal offense has been committed, police involvement may become necessary.

The District shall, when reporting a crime committed 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, but such transmittal must be consistent with the Family Educational Rights and Privacy Act (FERPA).

The Superintendent shall refer any student who has been determined to have brought a firearm to school to the appropriate law enforcement and/or Family Court authorities.

Students who willfully destroy, damage, or deface school property shall be subject to prosecution to the fullest extent possible under the law. Students who damage school property, and/or their parents or guardian, shall reimburse the District for the value of the damaged property up to the limit allowed by law.

The District shall use the Family Court (for example, Person in Need of Supervision Petition, Family Case Management Program) to ensure compliance with compulsory education laws in cases of chronic truancy.

B. Procedures

1. Academic Misconduct

In addition to the penalties listed above, a student who is found guilty of academic misconduct may receive no credit for the project, test or course to which the misconduct related.

2. Detention

The District will provide transportation to detained students who are otherwise entitled to District transportation under Board Policy.

3. Alternative Study Center (During-School-Hours-Detention Program)

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom so that a conducive educational environment may be established. Therefore, the Board authorizes the Superintendent and building Principals to provide Alternative Study Center

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assignment to students who would otherwise be subject to suspension from attendance as the result of a disciplinary infraction.

Assignment to Alternative Study Center of students with disabilities may only be imposed in accordance with applicable federal and state law.

4. Out-of-School Suspension

The Board, the Superintendent and the Principal(s) will have the power to suspend a student who, in their judgment, is insubordinate or disorderly, or whose conduct endangers the safety, morals, health or welfare, or whose physical or mental condition endangers the health, safety or morals of himself/herself or of others for periods not to exceed five school days. The Board and/or Superintendent may also suspend such students for more than five (5) days. If after the investigation and student conference, the Principal determines that suspension is the most appropriate penalty, then the suspension will be imposed utilizing the procedures specified within applicable federal and state law and regulation.

A student of compulsory attendance age will be offered alternative instruction appropriate to his/her individual needs in the event that he/she is suspended from regular instruction.

Suspensions for up to five (5) days may be ordered by the building principal, the Superintendent or the Board of Education. Where a student is suspended from attendance for a period of five (5) days or less, the appropriate District official shall immediately notify the student orally and shall immediately notify the parents or persons in parent relation in writing that the pupil has been suspended from school. Written notices shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure the receipt of such notice within 24 hours of suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents or persons in parental relation.

The notice to the parents or persons in parental relation shall provide a description of the incident(s) which resulted in the suspension and shall inform the pupil, parents and/or persons in parental relation to their right to request an immediate informal conference with the principal or appropriate school official in accordance with the provisions of the Education Law Section 3214(3)(d). A parent or person in parental relation requesting an informal conference with the principal shall be afforded the opportunity to ask questions at a conference of complaining witnesses. The notice to the parents and/or persons in parental relation and the informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the suspended pupil.

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a. Suspension of Five Days or Less

Suspensions for up to five (5) days may be ordered by the building principal, the Superintendent of Schools or the Board of Education after the pupil has received oral or written notice of the charges against him/her. If such charges are denied by the pupil, an explanation of the evidence against the pupil and an opportunity by the pupil to present his/her side of the story will be provided by the District. The foregoing requirements of notice, explanation and opportunity to present the pupil's side shall not be deemed to require more than an informal discussion with the pupil. Informal discussion may occur even minutes after the alleged misconduct.

- i. If a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Principal shall immediately notify the student orally or in writing, and shall immediately notify the student's parent(s) or guardian(s) in writing that the student has been suspended from school.
- ii. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address(es) to the parent(s) or guardian(s). The principal shall also take steps to notify the parent or guardian by telephone of the suspension. The notice shall provide a description of the charges against the student, and the incident(s) which resulted in the suspension, and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s).
- iii. At this conference, the parent(s) or guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Principal. After the conference, the Principal shall promptly advise the parent(s) or guardian(s) of his/her decision and that they may appeal the decision to the Board.
- iv. The Principal shall notify the Superintendent of the name of each student suspended, the reason for the suspension, the evidence supporting the suspension, and the length of the suspension.

b. Suspensions of More than Five Days

Suspension for more than five (5) days may be ordered by the Superintendent of Schools or the Board of Education, but only after the pupil and his parents shall have had an opportunity for a fair hearing upon reasonable notice. At the hearing, the pupil shall be entitled to be represented by a lawyer and shall have the right to cross-examine witness against him/her. The record of the hearing shall be kept, either stenographically or by tape recorder. If the hearing shall be before the Superintendent of Schools, the pupil shall have a right to appeal to the Board of

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Education. Either the Superintendent of Schools or the Board of Education shall have the right to designate a hearing officer, who shall conduct the hearing, make findings of fact and recommend the appropriate measure of discipline.

- i. If the Principal determines that a suspension of more than five days is warranted he/she shall refer the case to the Superintendent. If the Superintendent agrees with the determination of the Principal, the Superintendent shall give reasonable notice to such student and the parent(s) or guardian(s) of their right to a fair hearing and of the charges against the student.
- ii. The charges in the notice shall be sufficiently specific to advise the student and his/her counsel of the incidents which have given rise to the proceeding and will form the basis for the hearing.
- iii. If the student or his/her parent(s) or guardian(s) request a hearing, the Superintendent may personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The Superintendent/hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her.
- iv. At the hearing, the student shall have the right:
 - a. To have his/her parent(s) or guardian at the hearing;
 - b. to representation by counsel;
 - c. to question witnesses against him/her;
 - d. to testify on his/her behalf; and
 - e. to present other witnesses and evidence on his/her behalf.
- v. A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record.
- vi. The Superintendent shall make a determination of guilt or innocence based on competent and substantial evidence that the student participated in the conduct of which he/she is accused. Thereafter, upon the finding of guilt, the Superintendent shall determine the penalty to be imposed. In assessing the penalty, the Superintendent may consider the student's anecdotal record provided the parent(s) or guardian(s) have been notified of the District's intent to offer the anecdotal record for consideration on the issue of the penalty to be assessed. The parent(s) or guardian(s) shall be offered the opportunity to review and rebut the contents of the student's anecdotal records prior to the assessment of a penalty.
- vii. If the hearing is presided over by a hearing officer, he/she shall make findings of fact and recommendations as to the appropriate measure of

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discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

- viii. Any appeal of the decision of the Superintendent shall be made to the Board which will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.
 - ix. The decision of the Board may be appealed to the Commissioner of Education.
- c. Alternative Instruction
- i. Where a student of compulsory education age is suspended, immediate steps for his/her alternative instruction shall be taken.
 - ii. An alternative program of instruction may, in the District's discretion, be sought for any student beyond compulsory education age who presents a sincere desire to complete his/her high school education.
- d. Revocation of Suspension

The Board may, on its own initiative, revoke the suspension of a student whenever it appears to be in the best interest of the school and the student to do so.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student 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 into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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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.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must 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 designee is not available by the end of the same school day, the teacher must meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal 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 written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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.

The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's 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.

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

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.

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.

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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.

The Principal must keep a log of all removals of students from class.

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.

C. Minimum Periods of Suspension

1. One year suspension for possession of firearms

Any student found guilty of bringing a firearm, as defined by federal law, onto school property after a hearing has been provided pursuant to Section 3214 of the Education Law will be subject to suspension from school for at least one calendar year. A student with a disability may only be suspended in accordance with federal and state law.

However, after the penalty has been determined, the Superintendent will review the penalty and may modify such suspension on a case-by-case basis. If the Superintendent believes a one-year suspension penalty to be excessive, she/he may modify the penalty based on criteria including but not limited to:

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

2. Students who commit violent acts other than bringing a 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

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repeatedly substantially interferes 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 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. 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.

RECORD KEEPING

A proper and accurate record of each student's disciplinary profile shall be maintained for all incidents.

IN-SERVICE PROGRAMS

The Board shall sponsor an in-service education program for all district staff members to ensure the effective implementation of this policy.

1. 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.
2. In addition, the District shall adopt guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

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:

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- 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.

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.

E. Student Searches and Interrogations

The term, “authorized school official” shall be deemed to include the Superintendent of Schools, building principals, assistant principals, and administrative assistants when used throughout this Code of Conduct. An authorized school official may question a student about an alleged violation of law or the district Code of Conduct and may impose a disciplinary penalty on a student. Such authorized officials may conduct searches of students and their belongings including laptops, cell phones, or other hand-held electronic devices, if there is reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. When warranted, the school nurse, social worker, guidance counselor and/or security personnel will be asked to be present while searches are conducted. Students are not entitled to “Miranda” warnings before being questioned by school officials, nor are school officials required to contact the student’s parents before questioning the student. School officials, however, will inform all students why they are being questioned.

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

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evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

1. Student Lockers, Desks and other School Storage Places

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

2. Confiscation of Illegal Items

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.

3. 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:

- a. A search or an arrest warrant; or
- b. Probable cause to believe a crime has been committed on school property or at a school function; or
- c. Been invited by school officials.
- d. If exigent circumstances exist suggesting that school personnel, students or visitors to district property are in imminent danger of serious bodily harm.

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

- a. They must be informed of their legal rights.
- b. They may remain silent if they so desire.
- c. They may request the presence of an attorney.

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4. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall be present during the interview. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

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DISCIPLINE OF STUDENTS WITH DISABILITIES

1. All suspensions of a CSE classified student shall be promptly reported to the Chairperson of the Committee on Special Education.
2. Prior to the accumulation of ten (10) days of suspension for a CSE classified student, the school shall re-evaluate the student so that current data is available for review including anecdotal records from professional staff having contact with the student.
3. All suspensions of a CSE classified student closely spaced and for the same offense shall be referred to the Committee on Special Education.
4. The school district shall endeavor by the above procedures not to suspend a CSE classified student for more than a cumulative period of ten (10) school days during any academic year for any offense that is a manifestation of the disability, as determined by the CSE.

The need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the New York Education Law and their implementing regulations.

Students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. Accordingly, the procedures for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform to the procedural safeguards required by applicable laws and regulations.

This section incorporates by reference the procedural safeguards for students with disabilities subject to discipline set forth in Part 201 of the Regulations of the Commissioner of the State of New York, which implement the procedural protections provided under New York's Education Law and which coordinate the State's general procedures for suspension of students with disabilities with the requirements of IDEA and its implementing regulations.

The Superintendent of Schools shall ensure, on an ongoing basis, that a copy of the most current version of Part 201 of the Regulations of the Commissioner of Education is attached as an exhibit to this regulation.

This regulation 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.

Authorized Suspensions or Removals of Students with Disabilities

In accordance with the procedural protections applicable to the discipline of students with disabilities:

1. A suspension means a suspension pursuant to Section 3214 of the New York Education Law.

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

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An interim alternative educational setting (IAES) means a temporary educational placement for a period of up to forty-five 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 includes 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 of Education, Superintendent of Schools or a Building Principal delegated such authority by board policy may order the placement of a student with a disability into an interim alternative educational setting (IAES), another setting or suspension for a period not to exceed 5 consecutive school days provided the period does not exceed the amount of time a nondisabled student would be subject to suspension for the same behavior.
 - b. The Superintendent of Schools 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 paragraph 1 for the same behavior, if the Superintendent determines the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time nondisabled students would be subject to suspension for the same behavior.
 - c. The Superintendent of Schools 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 of Schools 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 child without a disability would be subject to discipline, but not more than 45 days, if the child carries or possesses a weapon to school or to a school function, or the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - (1) The term weapon means the same as "dangerous weapon" under 18 U.S.C. Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.
 - (2) Controlled substance means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both federal and state law and regulations applicable to this regulation.
 - (3) Illegal drugs means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare

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professional or that is legally possessed or used under any other authority under the Controlled Substances 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 of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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.

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 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.

Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The District's CSE shall:
 - a. Conduct functional behavior assessments to determine why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The CSE shall 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.
 - 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/her 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

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forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred.

If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. It shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing a suspension or removal to determine whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - (1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
 - (2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such nondisabled 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 nondisabled student, who is not a student presumed to have a disability for discipline purposes, shall remain in the educational placement determined by the District, which can include suspension.

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

The notice of disciplinary removal shall be accompanied by the procedural safeguards notice prescribed by the Commissioner of Education of the State of New York.

4. The parents of a student with a disability 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 New York's Education Law.
5. A Superintendent's hearing on disciplinary charges against a student with a disability 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 Education Law and Regulations of the Commissioner of Education which are incorporated into this regulation.

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6. The removal of a student with a disability 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 ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, a student with a disability shall be provided services as required by the Education Law and Regulations of the Commissioner of Education which are incorporated into this regulation.

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Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education which are incorporated into this regulation, 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 to challenge a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - (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 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 the 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.

Referral to Law Enforcement and Judicial Authorities

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent of Schools shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported consistent with the Family Educational and Privacy Rights Act (FERPA).

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VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff not without prior permission. 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 report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session may do so during American Education Week.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
8. All visitors are expected to promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

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PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the District is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering with or delaying the education process, or having such effect, is hereby declared to be in violation of this Code of Conduct.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damages school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

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DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of an age appropriate, plain language, summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Posting the complete Code of Conduct on the District's website.
8. Posting the name, designated school building and contact information of each Dignity Act Coordinator in the plain language summary of the code of conduct.
9. Including the name, designated school and contact information of each Dignity Act Coordinator in at least one (1) District or school mailing per year to parents and persons in parental relation, and if such information changes, in a least one (1) subsequent District or school mailing as soon as practicable thereafter.
10. Posting the name, designated school building and contact information of each Dignity Act Coordinator in highly-visible areas of school buildings.
11. Making the name, designated school and contact information of each Dignity Act Coordinator available at the District and school-level administrative offices.

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List of Dignity Act Coordinators in all schools:

Dignity Act Coordinator	School	Phone Number
Dr. Taryn Wood	Baylis	364-5798
Eva Kaplan	Berry Hill	364-5790
Alena Reisman	Berry Hill	364-5790
George Basso	Robbins Lane	364-5804
Joseph Cynar	Robbins Lane	364-5804
Marcelle DeMarco	Robbins Lane	364-5804
Sean Kiernan	South Grove	364-5810
Marie Vasco	South Grove	364-5810
Jody Heitner	Village	364-5817
Dr. Erika Koschei	Village	364-5817
Lori Levien	Walt Whitman	364-5823
Dr. Marcus Creshaw	Willits	364-5829
Anthony Roche	Willits	364-5829
Susan Heller Fisher	South Woods MS	364-5621
Linda Grunert	South Woods MS	364-5621
James McAleer	H.B. Thompson MS	364-5760
Allison Mills-Carroll	H.B. Thompson MS	364-5760
Richard Faber	Syosset High School	364-5675

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 shall 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.

Revised 8/16/10
Revised 9/24/12
Revised 7/2/13
Revised 6/14

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Revised 4/23/15
Revised 8/15/16