

**SPENCERPORT CENTRAL SCHOOL DISTRICT**



**CODE OF CONDUCT  
2023-2024**

## TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>4</b>
<b>II. RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS .....</b>	<b>6</b>
A. STUDENT RIGHTS AND RESPONSIBILITIES .....	7
B. PARENT/GUARDIAN RIGHTS AND RESPONSIBILITIES .....	8
C. DISTRICT FACULTY .....	11
D. SCHOOL COUNSELORS AND SOCIAL WORKERS .....	12
E. SUPPORT STAFF.....	13
F. PRINCIPALS AND ADMINISTRATORS.....	14
G. DIGNITY ACT COORDINATORS .....	15
H. THE SUPERINTENDENT .....	15
I. THE BOARD OF EDUCATION .....	16
<b>III. DRESS CODE GUIDELINES .....</b>	<b>17</b>
<b>IV. ACCEPTABLE USE GUIDELINES .....</b>	<b>18</b>
<b>V. DEFINITIONS .....</b>	<b>20</b>
<b>VI. PROHIBITED STUDENT CONDUCT.....</b>	<b>24</b>
A. DISORDERLY CONDUCT .....	25
B. CONDUCT THAT ENDANGERS THE SAFETY, PHYSICAL OR MENTAL HEALTH, MORALS OR WELFARE OF SELF AND/OR OTHERS. ....	25
C. INSUBORDINATE CONDUCT .....	27
D. VIOLENT CONDUCT .....	27
E. DISRUPTIVE CONDUCT.....	28
<b>VII. REPORTING VIOLATIONS .....</b>	<b>29</b>
<b>VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS.....</b>	<b>30</b>
A. PENALTIES .....	31
B. PROCEDURES .....	32
1. Detention.....	32
2. Suspension from transportation.....	32
3. Suspension from athletic participation, extra-curricular activities and other privileges.....	32
4. In-school suspension .....	33
5. Teacher disciplinary removal of disruptive students.....	33
6. Suspension from school.....	35

C.	MINIMUM PERIODS OF SUSPENSION .....	37
D.	REFERRALS.....	38
<b>IX.</b>	<b>ALTERNATIVE INSTRUCTION .....</b>	<b>39</b>
<b>X.</b>	<b>DISCIPLINE OF STUDENTS WITH DISABILITIES .....</b>	<b>39</b>
A.	AUTHORITY OF SCHOOL PERSONNEL TO SUSPEND OR REMOVE STUDENTS WITH DISABILITIES.....	42
B.	PROCEDURES FOR THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES BY SCHOOL PERSONNEL .....	42
C.	LIMITATION ON AUTHORITY OF SCHOOL PERSONNEL TO SUSPEND OR REMOVE STUDENTS WITH DISABILITIES.....	43
D.	PARENTAL NOTIFICATION OF A DISCIPLINARY CHANGE OF PLACEMENT .....	43
E.	AUTHORITY OF AN IMPARTIAL HEARING OFFICER TO REMOVE A STUDENT WITH A DISABILITY.....	44
F.	MANIFESTATION REVIEW .....	44
G.	SERVICES FOR STUDENTS WITH DISABILITIES DURING PERIODS OF SUSPENSION OR REMOVAL .....	45
H.	STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES ..	46
I.	EXPEDITED DUE PROCESS HEARINGS .....	47
J.	REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES .....	47
<b>XI.</b>	<b>CORPORAL PUNISHMENT .....</b>	<b>48</b>
<b>XII.</b>	<b>STUDENT SEARCHES AND INTERROGATIONS .....</b>	<b>48</b>
A.	SEARCHES.....	48
B.	INTERROGATIONS.....	50
<b>XIII.</b>	<b>VISITORS TO THE SCHOOLS .....</b>	<b>52</b>
<b>XIV.</b>	<b>PUBLIC CONDUCT ON SCHOOL PROPERTY AND AT SCHOOL EVENTS .....</b>	<b>53</b>
A.	APPROPRIATE CONDUCT .....	53
B.	PROHIBITED CONDUCT.....	53
C.	PENALTIES .....	54
D.	ENFORCEMENT .....	55
<b>XV.</b>	<b>DISSEMINATION AND REVIEW OF CODE OF CONDUCT .....</b>	<b>55</b>

## I. INTRODUCTION

The Spencerport Central School District Board of Education, faculty, staff and parents are committed to increasing responsibility for learning and providing a safe and orderly school environment in which to learn. Behavior conducive to a productive learning environment, without disruption or interference, is necessary for learning to take place. Responsible behavior by students, teachers, other district personnel, parents 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 events or out-of-school conduct that could reasonably be forecasted to substantially disrupt the school environment. Each year school plans reflect the Safe and Orderly Environment correlate of effective schools with a goal related to discipline. These goals are based on the principles of civility, mutual respect, dignity, citizenship, character, tolerance, honesty, and integrity.

The Board recognizes the need to clearly define and publicize these expectations for acceptable conduct on school property or at school events, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct.

Unless otherwise indicated, this Code of Conduct and all district policies and regulations apply to all students, school personnel, parents and visitors when on school property or attending a school event.

The intent of the Spencerport Code of Conduct is to promote responsible behavior, which will lead to the greatest success for all learners in the school community. To achieve this goal, all members of the school community will learn and exhibit the following characteristics:

1. Responsible behavior
2. Contributing to a safe and orderly environment
3. Contributing to a productive learning environment
4. Mutual Respect
5. Respecting themselves and others
6. Respecting differences in others
7. Personal Dignity
8. Maintaining a healthy lifestyle
9. Putting forth best effort in whatever one attempts
10. Personal Excellence
11. Communicating needs that relate to learning
12. Valuing lifelong learning

An additional code of conduct detailing the expectations for student-athletes is located in the student/parent athletic handbook that is available on the district's website.

Spencerport Central Schools is an equal opportunity educational system and will work to ensure that our curriculum and instructional materials reflect the needs of our students. The responsibility of education throughout the Spencerport learning community involves

making connections and providing students opportunities to enhance their personal and academic well-being. Spencerport is responsible for educating each and every student through a culturally responsive approach to provide equity and access for all.

The incorporation of Restorative Practices during the 2022-23 school year will provide guideposts for students and staff when code of conduct violations allow for alternative approaches to discipline. When successfully integrated throughout the school culture and climate, Restorative Practices create safe and productive learning spaces where students develop social and emotional skills and strong relationships with peers and adults.

## **Communication**

The district will seek to communicate the terms of this Code of Conduct broadly throughout the school community. The district will provide all teachers with access to a copy of the Code at the beginning of the school year and a copy upon employment. The district will also provide an age appropriate summary of the Code written in plain language to all students and parent(s)/and or guardian(s) (referred to as “parents” from this point forward) at the beginning of each school year. The full Code will be available for review by students, parents, other staff and community members at any time.

## **Safe School Helpline**

Spencerport provides an environment where students can feel safe as they learn. The district is enrolled in the Safe School Helpline, a toll-free number anyone can call to anonymously report health and safety concerns.

1-800-4-1-VOICE, ext. 359, is monitored 24 hours a day, seven days a week. Reports may also be made by texting the word "TIPS" to 614-426-0240 or online at safeschoolhelpline.com.

The company also has introduced the Safe School Helpline app, available for both Apple and Android devices. This app quickly gives users all three options for reporting valuable information.

Callers are able to reconnect with the agency to be advised as to what actions were taken on their information. In most cases, the company sends the district transcripts of calls they receive the next day. However, if the matter is urgent, school officials are contacted immediately, day or night.

For more information on Safe School HelpLine, please visit their website at <https://www.safeschoolhelpline.com/>

1-800-4-1-VOICE, ext. 359  
Text "TIPS" to 614-426-0240

Please remember, **IF YOU SEE SOMETHING, SAY SOMETHING!**

If you have any questions about the Safe School Helpline, please call the security office at 349-5197.

## II. RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS

The district commits to creating learning communities in which all members are understood to be growing, caring, respectful peoples. To that end, all members should have the right to expect:

*An environment that deeply supports teaching and learning.*

*Fair and respectful treatment throughout the community, with a full opportunity to be heard.*

*Non-discrimination and equal treatment with respect to all school activities.*

*Open and transparent communication and explanation of school procedures, rules, and policies*

*Commitment throughout the school to policies aimed at growth as a learning community and at growth of each individual member of the community.*

The Dignity for All Students Act (Dignity Act) requires that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight/appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and has the potential to adversely affect another student's ability to participate in or benefit from a school's education or extracurricular program.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media platforms, to deliberately harass or threaten others. This type of harassment is generally referred to as "cyber-bullying."

School employees who witness harassment, bullying or discrimination or receive an oral or written report of such acts shall promptly notify the principal or Dignity Act Coordinator in accordance with Board Policy.

## A. Student Rights and Responsibilities

<p>To promote a safe, healthy, orderly and civil school environment, all district students have the right to:</p> <ol style="list-style-type: none"> <li>1. Attend school in the district in which one’s parent or legal guardian resides, use school properties and take part in all district activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, gender expression, gender identity, national origin, ethnic group, political affiliation, age, marital status, weight or disability. And receive a free and appropriate public education from age 5 to 21, as provided by law.</li> <li>2. Expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.</li> <li>3. Be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.</li> <li>4. Express one's opinions verbally or in writing.</li> <li>5. Dress in such a way as to express one's personality in accordance with the dress code.</li> <li>6. Be afforded equal and appropriate educational opportunities.</li> <li>7. Have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.</li> </ol>	<p>Students are also expected to fulfill their responsibilities to fully participate in their education as outlined below.</p> <ol style="list-style-type: none"> <li>1. Contribute to maintaining a safe, supportive, orderly, and clean school environment that is conducive to learning and to show respect to other persons and to property.</li> <li>2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.</li> <li>3. Attend school every day unless they are legally excused.</li> <li>4. Be on time, treat all others with respect, be prepared to learn, and cooperative.</li> <li>5. Work to the best of their ability, in all academic and extracurricular pursuits and strive toward their highest level of achievement, as well as being fair and supportive of others.</li> <li>6. Dress appropriately in accordance with the dress code for school and school events recognizing that the school is a place for learning and work.</li> <li>7. 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.</li> <li>8. Express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.</li> </ol>
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<p>8. Be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, gender expression, gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event or activity.</p> <p>9. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.</p> <p>10. Access school policies, regulations and rules, and when necessary, receive an explanation of those from school personnel.</p> <p>11. Access affordable and nutritious food in the school environment.</p> <p>12. To the greatest extent possible, ensure that students have a voice in the shared decision making process.</p>	<p>9. Explore available educational programs in order to use and develop one's capabilities to their maximum.</p> <p>10. Be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.</p> <p>11. To respect one another and treat others fairly in accordance with the district Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.</p>
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**B. Parent/Guardian Rights and Responsibilities**

<p>Parents and Guardians have the right to:</p> <ol style="list-style-type: none"> <li>1. Be actively involved in their children's education.</li> <li>2. Be treated courteously, fairly and respectfully by all school staff and principals.</li> <li>3. Receive timely information about the policies of the Spencerport Board of Education and procedures that relate to their child's education.</li> </ol>	<p>Parents and Guardians have the responsibility to:</p> <ol style="list-style-type: none"> <li>1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.</li> <li>2. Give updated contact information to the District Office and their children's school.</li> <li>3. Send their children to school well</li> </ol>
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<ol style="list-style-type: none"> <li>4. Receive regular reports, written or oral, from school staff regarding their children's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.</li> <li>5. Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by principals or school staff.</li> <li>13.</li> <li>6. Receive information and prompt notification about incidents that may impact their children.</li> <li>7. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.</li> <li>8. Receive timely academic information about their children.</li> <li>9. Receive information from school staff about ways to improve their children's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs, and mental health services within Spencerport Central Schools and the community.</li> <li>10. Receive information about services for students with disabilities and English Language Learners.</li> <li>11. To the greatest extent possible parents will be contacted immediately when a student is believed to have committed a crime and police are summoned.</li> </ol>	<p>rested and ready to participate and learn.</p> <ol style="list-style-type: none"> <li>4. Ensure their children attend school regularly and on time.</li> <li>5. Ensure absences are excused by calling in their child(ren)'s absences each day and sending in a written excuse the first day their child returns to school.</li> <li>6. Ensure their children be dressed and groomed in a manner consistent with the student dress code.</li> <li>7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment.</li> <li>8. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.</li> <li>9. Reinforce with their child(ren) that inappropriate language does not belong in a school setting.</li> <li>10. Convey to their children a supportive attitude toward education, the district, and support high academic expectations.</li> <li>11. Partner with the school to support expectations of academic achievement and appropriate behavior in the school and the community.</li> <li>12. Build positive relations.</li> <li>13. Help their children deal effectively with peer pressure.</li> </ol>
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	<p>14. Inform school officials of changes in the home situation that may affect student conduct or performance.</p> <p>15. Tell school officials about any concerns or complaints in a respectful and timely manner.</p> <p>16. Work with principals and school staff to address any academic or behavioral problems their children may experience.</p> <p>17. Encourage their children to complete their homework by asking about homework, checking homework and making an area for children to do their homework without interruption (e.g., a quiet corner; space in a bedroom; a clear kitchen table).</p> <p>18. Know the standards and graduation requirements for their children.</p> <p>19. Be responsible for their child's behavior and safety to, at and from the bus stop.</p> <p>20. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.</p> <p>21. Work with principals and school</p>
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	<p>staff to address any academic or behavioral problems their children may experience.</p> <p>22. Read and become familiar with the policies of the Board of Education, administrative regulations and the Spencerport Central School District Code of Conduct.</p> <p>23. Be respectful and courteous to staff, other parents/guardians and students while on school premises.</p>
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**C. District Faculty**

*All district faculty are expected to:*

1. Model and maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity, or sex which will strengthen individual’s self-concept and promote confidence to learn and be productive.
2. Be prepared to teach the district’s curriculum and to accommodate a variety of learning styles.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a) Course standards, objectives and requirements
  - b) Marking/grading procedures
  - c) Assignment deadlines
  - d) Expectations for student behavior in all areas as outlined in the school’s PBIS matrix.
  - e) Classroom discipline plans
  - f) Teach expected behaviors as outlined in the school’s PBIS matrix.
6. Be respectful, fair, and courteous to students, parents, and guardians; Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Address personal biases that may prevent equal treatment of all on school property

or at school events.

8. Act in a manner to build a trusting relationship with essential partners.
9. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
10. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
11. Regularly review with students their educational progress and career plans.
12. Provide information to assist students with career planning.
13. Encourage students to achieve high expectations to benefit from the curriculum and extracurricular programs.
14. Maintain confidentiality in accordance with federal and state law.
15. Make known to students and families the resources in the community that are available to meet their needs.
16. Participate in school-wide efforts to provide adequate supervision on school property and at school events in conformity with the Taylor Law.
17. Be familiar with the Code of Conduct.
18. Support a positive attitude to the learning process.
19. Purposefully address 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 event.
20. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

#### **D. School Counselors and Social Workers**

*School Counselors and Social workers are expected to:*

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation gender, gender expression, gender identity or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.

3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of 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 event.
11. Address personal biases that may prevent equal treatment of all students.
12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a counselor/social worker's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **E. Support staff**

*All support staff are expected to:*

1. Model and maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex which will strengthen individual's self-concept and promote confidence to learn and be productive.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the Code of Conduct.
4. Help all understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision on school property

and at school events.

6. Address issues of 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 event.
7. Address personal biases that may prevent equal treatment of all on school property or at school events.
8. Know school policies and rules and enforce them in a fair and consistent manner.
9. Act in a manner to build a trusting relationship with essential partners.
10. Support a positive attitude to the learning process.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **F. Principals and Administrators**

*All principals and administrators are expected to:*

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, gender expression, gender identity or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring the equitable treatment of members of the school community in disciplinary cases.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of 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 event.

10. Address personal biases that may prevent equal treatment of all students and staff.
11. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

## **G. Dignity Act Coordinators**

*The Dignity Act Coordinators are expected to:*

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees (i.e., P.B.I.S.).
3. Identify curricular resources that support infusing civility in classroom instruction and provide guidance to staff as to how to access and implement those resources.
4. Coordinate with the Professional Development Committee, training in support of the bullying prevention committee (i.e., P.B.I.S.).
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of 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 event.
7. Address personal biases that may prevent equal treatment of all students and staff.

## **H. The Superintendent**

*The Superintendent is expected to:*

1. Promote a safe, orderly, respectful and stimulating school environment free from intimidation, discrimination and harassment, supporting active teaching and learning for all regardless of actual or perceived race, color, weight, national origin,

ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.

2. Inform the Board of Education about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring the equitable treatment of members of the school community in disciplinary cases.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of 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 event.
8. Address personal biases that may prevent equal treatment of all students and staff.

## **I. The Board of Education**

*The Board of Education, through policy and regulation, is expected to:*

1. Support a safe, orderly and stimulating school environment, supporting active teaching and learning for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Support 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 events.
5. 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.
6. Lead by example by conducting Board of Education meetings in a professional,



respectful, courteous manner.

7. Address issues of 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 event.
8. Address personal biases that may prevent equal treatment of all students and staff.

### **III. DRESS CODE GUIDELINES**

The responsibility for dress and appearance shall rest with the students and their parents/guardians. Students have the right to determine how they dress, provided that such attire complies with requirements for health and safety, does not interfere with the educational process or impose on the rights of others.

All students are expected to follow these guidelines:

- Footwear must be worn at all times.
- Items that are perceived to be vulgar, obscene, and/or offensive others because of race, color, religion, creed, national origin, gender, gender expression, gender identity, sexual orientation or disability, are NOT allowed.
- Items that promote and/or endorse the use of alcohol, cannabis (marijuana), tobacco or illegal drugs and/or encourage other illegal or violent activities are NOT allowed.
- Hats and other headwear, if allowed, must permit the face to be visible to staff, and not interfere with the line of sight of any student or staff. Exceptions will be made for medical, religious, or cultural purposes.

Building principals, in conjunction with the superintendent, will establish the building's dress code and they will inform all students and their parents/guardians of the building's dress code at the beginning of the school year and of any revisions made during the school year.

Those who violate the dress code will be required to cover or remove the prohibited item and, if necessary, replace it with an acceptable item. Any student who refuses may be subject to discipline, up to and including in-school suspension. Repeated failure to comply with the dress code may result in further discipline, up to and including out-of-school suspension

## IV. ACCEPTABLE USE GUIDELINES

The district's mission is to educate and inspire each student to love learning, pursue excellence and use knowledge, skills and attitudes to contribute respectfully and confidently to an ever-changing global community. Technology access furthers the goals and objectives to meet the New York State and Common Core Learning Standards. The benefits for student access to the Internet and/or computer resources far outweighs any potential risk, however, it should be understood that some sites might contain information that is inappropriate, pornographic, defamatory, inaccurate, or potentially offensive to some users. However, everyone should be aware that students who have Internet access may (potentially) inadvertently or deliberately encounter unacceptable resources.

The district believes strongly in promoting the acceptable or appropriate use of technology. All students must follow the expectations listed below to promote acceptable or appropriate use of the Internet and computer resources whether accessed on school grounds or remotely and agree as follows:

1. The use of computer resources is limited to the educational objectives established by the district's instructional staff.
2. Non-instructional materials should not be saved at any time to district storage space. At the conclusion of the school year user's files and data on district storage space will be deleted.
3. The sending or receiving of unethical, illegal, immoral, inappropriate, or unacceptable information of any kind, or anything disrupting the school environment including but not limited to any form of bullying, intimidation or harassment is forbidden.
4. Students are not allowed to electronically share their own or anyone else's home address, home phone number or other personal information with any non-Spencerport instructional staff for any purpose and are required to report any requests of this kind to their classroom teacher, librarian, principal, or another staff member.
5. Students may not plagiarize information received in any form and are required to properly cite all pictures & other multimedia materials.
6. Students may not use another person's account for any district accessed program or software
7. Password(s) are not to be shared with anyone else other than instructional staff.
8. Students may not download non-instructional materials without the consent of their teacher(s) or school personnel.
9. Any attempt to bypass security built into the system, will result in immediate

consequences including but not limited to the loss of Internet and/or computer resource privileges.

10. Any student attempting to interfere with, vandalize, or disrupt network users, services, traffic, equipment, or software may be held responsible for any monetary damages that the district incurs due to their actions.
11. Students may not use the district's Internet access for illegal purposes of any kind.
12. The district's computers are not to be used for maintaining social media (ie, Twitter, Facebook, etc.), sending unauthorized e-mail, chat or text messages unless directed by a staff member for instructional purposes.
13. All students must abide by the licensing agreements for any school software, subscriptions or online databases.
14. Students are forbidden to install any software on any district owned computing device.
15. Students are not allowed to connect any personal devices, without permission, on any district owned computers or their network.
16. The violation of copyright laws or any licensing or software agreements is forbidden.
17. All users are required to follow all state and federal laws in their usage of the district's network.

The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

The district reserves the right to monitor all Internet activity by users of the district's network. Any violation of the foregoing guidelines or inappropriate use will be treated as a violation of the Student Code of Conduct, and shall be handled accordingly. Any violation may also result in the loss of privileges (i.e., Internet, network access, device access, etc.). The district may notify the appropriate legal authorities if there is suspicion of illegal activities. The district shall determine whether student conduct constitutes a violation of the guidelines and that decision shall be final.

The district makes no warranties of any kind, whether express or implied, for the technology services it is providing. The district shall not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, miss-deliveries, or service interruptions caused by its own negligence or a user's errors or omissions. Use of any information obtained via the Internet is at the users own risk. The district specifically denies any responsibility for the accuracy or quality of information obtained through its services.

## V. DEFINITIONS

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

- “Bullying” means a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. When the term "bullying" is used, even if not explicitly stated, such term includes cyber bullying, meaning such harassment or bullying that occurs through any form of electronic communication.
- “Cannabis” refers to any product containing the psychoactive compound Tetrahydrocannabinol (THC), including but not limited to marijuana, medical marijuana, edibles containing THC such as candies, chips, or baked goods, shatter, hashish or hash oils, resins, wax, liquids, derivatives, etc. This term does not refer to manufactured hemp products or products containing only cannabinoids and not THC.
- “Color” refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- "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 event or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- “Discrimination” and “harassment” and “emotional harm” means an act against any student, by employees or students on school property or at a school event, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe nature that:
  - a) Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional 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.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.

- “Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes

with the teacher's authority over the classroom.

- “Diversity” means to continuously value and acknowledge the differences among stakeholders including but is not limited to race, color, ethnicity, nationality, religion, socioeconomic status, veteran status, education, marital status, language, age, gender, gender expression, gender identity, sexual orientation, mental or physical ability, genetic information, and learning styles.
- “Equity” means the guarantee of fair treatment, access, personalized opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.
- “Ethnic group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion or ideology that stresses ancestry.
- “Firearm” means a firearm as defined in USC §921 any instrument (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. Included but not limited to a gun, rocket with propellant charge of more than 4 oz., missile, pistol, revolver, shotgun, rifle, machine gun, bomb, mine, grenade, disguised gun, silencer or firearm muffler, explosive or incendiary or poison gas, or electric dart gun.
- "Gender" means actual or perceived sex and shall include a person's gender identity or expression.
- “Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- “Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- “Inclusion” means to authentically bring traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources so that students feel valued, welcomed, and accepted.
- "Material Incident of Discrimination and/or Harassment" means a single verified incident or a series of verified related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school event that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:

- a) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional 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.
- "National origin" means a person's country of birth or ancestor's country of birth.
  - "Off campus misconduct" means any activity that endangers the health and safety of students or staff within the school or can reasonably be forecast to substantially disrupt the educational process.
  - "Parent" means parent, guardian or person in parental relation to a student.
  - "Prescription Drugs" refers to the class of medications that are prescribed by a physician. Consistent with district policy, prescription drugs need a valid current prescription and must be turned over to the school nurse by the parent for administration during the school day.
  - "Program of Support" means a student specific program which may consist of observing Monroe County Drug Treatment Court, counseling, evaluations, drug testing, and tutoring which is implemented after a student has been suspended for a violation of the Code of Conduct. Support programs are typically utilized when a student has been suspended for a violation relating to alcohol, cannabis (marijuana), drugs or tobacco, including but not limited to possession, use, and/or the possession of paraphernalia. Programs of support are initiated at the discretion of the Superintendent or designee.
  - "Race" means a group of persons related by common descent or heredity. The U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanic/Latinos" etc. to describe and classify the inhabitants of the United States.
  - "Restorative practices" are processes that proactively build healthy relationships and a sense of community to prevent and address conflict. This process allows students to take responsibility for their behavior by addressing the individual(s) affected by their actions. Taking responsibility requires understanding how the behavior affected others, acknowledging that the behavior was harmful to others, taking action to repair the harm, and making changes necessary to avoid such behavior in the future. Restorative practices represent a mindset that can help guide adult and youth behavior and relationship management in schools.
  - "Religion" means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
  - "Religious practice" means a term including practices and observances such as

attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, etc.

- “School bus” means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and others acting in a supervisory capacity to and from school or school activity. A “school bus,” as defined, is considered school property.
  
- “School employee” means any person receiving compensation from a school district or charter school or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
  
- “School event” means any school-sponsored or school authorized extra-curricular event or activity on or off school property.
  
- “Sex” means the biological and physiological characteristics that define men and women.
  
- “Sexual harassment” is defined as unwelcomed sexual advances, requests for sexual favors, and any words, actions or dress that makes you feel uncomfortable. This includes obscene pictures, lewd jokes, sexual advances, request for sexual favors, harassing activities of a sexual nature that create an intimidating, hostile or offensive environment that interferes with a course of study, educational or extracurricular activity or one’s ability to learn or perform their job.
  
- “Sexual orientation” refers to a person’s emotional, physical, and sexual attraction to others (i.e., heterosexual and homosexual).
  
- "Violent student" means a student under the age of 21 who:
  - 1) Commits an act of violence upon a school employee, or attempts to do so.
  - 2) Commits, while on school property or at a school event, an act of violence upon another student or any other person lawfully on school property or at the school event, or attempts to do so.
  - 3) Possesses, while on school property or at a school event, a firearm or weapon.
  - 4) Displays, while on school property or at a school event, what appears to be a firearm or weapon.
  - 5) Threatens, while on school property or at a school event, to use a firearm or weapon or cause bodily harm or death.

- 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 event.
  - 7) Knowingly and intentionally damages or destroys school district property.
- “Weapon” means, including but not limited to firearm, air gun, BB gun, dagger, dirk, razor, switchblade knife, gravity knife, brass knuckles, metal knuckle knife, slingshot, box cutter, utility knife, cane sword, Kung Fu star, or other Martial Arts instruments, electronic stun gun, pepper spray or other noxious spray, a weapon (device, instrument, animate or inanimate, that is used for, or is readily capable of causing physical injury or death) when used to cause physical injury or death, knife with any length blade, knife, pocket knife, or multi-tool with any length blade. A weapon includes a “dangerous weapon” 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 [see 18 USC § 930 (g) (2); New York Penal Law § 265.01].
  - “Weight” refers to a person’s size.

## **VI. PROHIBITED STUDENT CONDUCT**

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.

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

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, equipment and property. 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 event 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 engage in prohibited conduct such as:



## **A. Disorderly Conduct**

*Examples of disorderly conduct include, but are not limited to:*

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that is profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing.
7. Computer/electronic communications misuse, including any unauthorized use of computers, electronic handheld devices, software, or internet/intranet account; accessing inappropriate websites; or any violation of the district's acceptable use agreement for students.
8. 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, standing while the bus is in motion, pushing, shoving and fighting, harassment and discrimination will not be tolerated.

## **B. Conduct that endangers the safety, physical or mental health, morals or welfare of self and/or others.**

*Examples of such conduct include, but are not limited to:*

1. Opening or propping a locked door to allow others to enter the school building.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school event.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Willfully reporting false information to a student, teacher, administrator, other school employee, or any other person lawfully on school property or at a school event that endangers the safety, morals, health or welfare of others.
5. Discrimination which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender, gender expression, gender identity, sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.

6. Harassment, 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 and demeaning. Harassment is also the creation of a hostile environment.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
8. "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
9. 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.
10. Selling, using, possessing or distributing obscene material.
11. Using vulgar or abusive language, cursing or swearing in a threatening manner that intimidates an individual or group.
12. Possessing, smoking, using or distributing cigarettes, cigars, pipes, smokeless tobacco, electronic cigarettes or vapes, materials for use in electronic cigarettes or vapes, or any product containing nicotine or tobacco.
13. Selling, soliciting, distributing, exchanging, buying, possessing, or consuming, alcoholic beverages, cannabis (marijuana), illegal substances, or drug paraphernalia, or being under the influence of any of the aforementioned items. "Illegal substances" include, but are not limited to, inhalants, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, mood altering substances, bath salts, incense, herbal mixtures and any substances commonly referred to as "designer drugs."
14. Inappropriately using, selling or distributing prescription or over-the-counter drugs or possessing a prescription drug without a prescription.
15. Gambling.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Inappropriate physical contact or display of affection.
18. Initiating a verbal or written warning of fire or other catastrophe, or bomb threat without valid cause, misuse of 911, or discharging a fire extinguisher.

19. Assisting others in prohibited conduct or serving as a "look-out."
20. Recording or posting, electronic audio or images of any individual or group without staff permission that causes harm directly or indirectly.
21. Inciting, or participating with, other students to intimidate or to act with physical violence upon any other person
22. Promoting violence through verbal or electronic means
23. Sexual harassment, verbal or physical.
24. Sexual Offenses-Forced
25. Sexual Offenses-Other

### **C. Insubordinate Conduct**

*Examples of insubordinate conduct include, but are not limited to:*

1. Failing to comply with the reasonable directions of teachers, school administrators, bus drivers or other school personnel in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Failing to comply with the expectations and provisions contained in the Spencerport Central School District Code of Conduct.
5. Taking pictures, videos, or audio recordings of adults or students without their knowledge and consent

### **D. Violent Conduct**

*Examples of violent conduct include, but are not limited to:*

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student, teacher, administrator, bus driver, other school employee, or any other person lawfully on school property or at a school event, or attempting to do so.
2. Threatening (direct or indirect) to commit an act of violence upon another student, teacher, administrator, bus driver, other school employee, or any other

person lawfully on school property, at a school event or in the commission of one's duties as an employee of the district.

3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
4. Possessing a weapon.
5. Threatening to use or displaying what appears to be a weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property or at a school event, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

#### **E. Disruptive Conduct.**

*Examples of disruptive conduct include but are not limited to:*

1. Disrupting or preventing the peaceful and orderly operation of the school program.
2. Unauthorized driving to and parking of cars/trucks/vans/motorcycles on school grounds without permission and a parking permit during school hours.
3. Display or use of electronic communication devices (including, but not limited to pagers, cell phones, and electronic media devices) during the instructional school day, on the school bus, or during an emergency (including, but not limited to a lockdown, fire drill, or bus accident), unless authorized by district personnel (e.g., "bring-your-own-device").
4. Possess beverages (juices, water, soda, coffee, etc.) or food in any area of the school outside of the cafeteria without authorization by school personnel. Glass containers are not allowed on school property.
5. Engage in unauthorized solicitation of money (i.e., non-sanctioned fund raising, pressure borrowing).
6. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
  - a) Plagiarism – stealing or taking credit for another person's words or ideas; using another person's work without crediting the source
  - b) Cheating – violating academic rules through dishonesty or deception; using unauthorized resources to complete an assignment or test, or to

- provide unauthorized assistance to another student.
  - c) Copying.
  - d) Altering records.
  - e) Assisting another student in any of the above actions.
- 7. Bringing loaded or blank cartridges or ammunition onto school property.
- 8. Bringing a lighter or matches to school.
- 9. Engages in off-campus conduct that interferes with, or can reasonably be expected to substantially disrupt, the educational process in the school, on school property or at a school event. Examples of such conduct include, but are not limited to:
  - i. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  - ii. Threatening or harassing students or school personnel over the phone or other electronic medium.

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the code of conduct to a bus driver, teacher, school counselor, staff member, the school 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 event shall report this information immediately to a teacher, the school principal, the principal's designee or the Superintendent. All staff members are obligated to report a violent student to the school principal or Superintendent.

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

The reporting of prohibited student conduct is a shared responsibility by all members of the school. Students can expect to have a conference with their teacher, and/or building administrator when they have violated the code of conduct. Parents can expect notification from either the teacher or building administrator in most cases. In some instances, conferences will be scheduled including the student, teacher, parent(s), and building administrator (optional). Additionally, some violations of the code of conduct may be reported to support law enforcement agencies within the community.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. Fairness means that all students will be held accountable for all aspects of student conduct and will be afforded "due process" as defined in this document. Consistency is defined as the school's process of addressing all instances of misconduct in a firm and fair manner.

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. The student's grade level.
7. 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. A student identified, as having a disability shall not be disciplined for behavior related to his/her disability. 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. Penalties**

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, teaching assistants, assistant principal, principal, Superintendent
3. Written notification to parent – transportation supervisor, coaches, school counselors, teachers, assistant principal, principal, Superintendent
4. Detention – teachers, assistant principal, principal, Superintendent
5. Suspension from transportation – Director of Transportation, transportation supervisor, assistant principal, principal, Superintendent
6. Suspension from athletic participation – coaches, assistant principal, principal, Director of Athletics, Superintendent
7. Suspension from social or extracurricular activities – activity advisor/director, assistant principal, principal, Superintendent
8. Suspension of other privileges – assistant principal, principal, Superintendent
9. Suspension or revocation of student's access to district computers and Internet connections – principal, assistant principal, or superintendent
10. In-school suspension – principal, Superintendent
11. Removal from classroom by teacher – teachers, principal
12. Short-term (five days or less) suspension from school – principal, Superintendent, Board of Education
13. Long-term (more than five days) suspension from school – Superintendent, Board of Education
14. Permanent suspension from school – Superintendent, Board of Education.

## **B. Procedures**

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

Students who are to be given penalties other than 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.

### **1. Detention**

Teachers, assistant principals, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty provided there are no parental objections after notification, and the student has appropriate transportation home.

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

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the transportation supervisor or the Director of Transportation. If appropriate, the transportation supervisor or the Director of Transportation will communicate with school personnel to relay information on bus misbehavior. Students who become a serious disciplinary problem may have their riding privileges suspended by the transportation supervisor or Director of Transportation. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. 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 transportation supervisor or the Director of Transportation to discuss the conduct and the penalty involved.

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

Activity directors, advisors, assistant principals, principals and the Superintendent may suspend a student from athletic participation or extracurricular activities, or suspend 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.



An additional code of conduct detailing the expectations for student-athletes is located in the student/parent athletic handbook that is available on the district's website.

#### **4. In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes school principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension."

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

#### **5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student 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, and (2) sending a student into the hallway briefly. 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 their class or subject for one period or block of instruction, or up to 55 minutes of elementary instruction, for up to two days. The removal from class applies to the class of the removing teacher only. 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 of removal.

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 designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day. Within 24-hours of the student's removal<sup>1</sup> the principal or principal's designee must notify the student's parents that the student has been removed from class and why. This 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 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.

If the 24-hour period for parent notification, or the 48-hour period for the informal conference, does not end on a school day, then the allowed time period shall be extended to the next school year.

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:

- a) The charges against the student are not supported by substantial evidence.
- b) The student's removal is otherwise in violation of law, including the district's code of conduct.
- c) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference<sup>1</sup> if a conference is requested. In the event there is no request for an informal hearing, the principal may overturn this removal within 24 hours. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

## 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, physical or mental health, 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 school principals. Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### a) **Short-term (5 days or less) suspension from school**

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours\* of the decision to propose suspension at the last known address for the parents. Where possible, notice should 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 informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the

decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the Superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent or school 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 of Education if it is felt that the student has been unfairly treated regarding the matter or that the decision, punishment or remedy is arbitrary and capricious. An appeal of the Superintendent's decision must be submitted in writing and submitted to the district clerk within thirty (30) business days of the Superintendent's decision, unless it can be shown that extraordinary circumstances precluded one from doing so. The written appeal will be provided to the Board of Education who will make its decision based solely upon the record before it. 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 Board's decision.

**c) Permanent suspension**

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

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

### **1. Students who bring a weapon or firearm to school**

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school. Those in possession of a firearm or a knife with a blade at or in excess of 2.5 inches will be subject to suspension 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. The Superintendent may consider the following when determining the penalty:

- 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.

### **2. Students who commit violent acts other than bringing a firearm to school**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a firearm onto school property, shall be subject to suspension from school for at least two days. If the proposed penalty is the minimum two-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The principal has the authority to modify the minimum two-day suspension on a case-by-case basis.

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

Any student, 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 and 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 firearm.

**4. Students who possess, sell, distribute or share alcohol, drugs, drug paraphernalia, or are under the influence of drugs or alcohol.**

Any student who is in possession of, selling, distributing or sharing alcohol, cannabis (marijuana), an illegal drug including prescription or over the counter medications, mood altering substances, look alike drugs or alcohol, drug paraphernalia including electronic cigarettes (vapes) when a substance other than nicotine is present, or is under the influence of a drug, cannabis (marijuana), or alcohol will be subject to a suspension from school.

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 proposed penalty exceeds a 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 principal or designee may communicate with the parent and student regarding the possibility of a program of support for the student if initiated by the Superintendent. Confiscated materials may be reported to law enforcement.

**5. Students who are in possession of tobacco products or use tobacco products on school property or at school events.**

Any student who is in possession of tobacco products or uses tobacco on school grounds or at any school event is subject to a suspension from classes or school for up to five school days. If a student is suspended three or more times for tobacco-related infractions, the student will be referred to the Superintendent of Schools for possible long term suspension from school. Before being suspended for terms longer than five days, the student will have the opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the suspension on a case-by-case basis. A student with a disability may be suspended only in accordance with the requirements of state law.

**D. Referrals**

**1. Counseling**

The School Counseling Office shall handle all referrals of students to counseling.

**2. Instructional Support Team (IST)/ Response to Intervention (RtI)**

Referral Students should be referred to the Instructional Support Team or Response to Intervention team for repeated behavior problems which would then be cause for conducting an assessment of behavior and design and implementation of a behavior plan in accordance with established district procedures.

### **3. 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.

### **4. 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 firearm 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 or District Attorney or County Attorney.

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. It is the student's responsibility to attend this alternative instruction. Failure to attend would be treated as an absence, either legal or illegal, from the assigned instructional program.

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

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities

must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

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

## **Definitions**

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

- “Behavioral intervention plan” (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
- “Controlled substance” means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
- “Disciplinary change in placement” means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
- “Illegal drug” means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
- “Interim Alternative Educational Setting” (IAES) means a temporary educational



placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

- “Manifestation review” means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
- “Manifestation team” means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
- “Removal” means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
- “School day” means any day, including a partial day, that students are in attendance at school for instructional purposes.
- “Serious bodily injury” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- “Student presumed to have a disability for discipline purposes” means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
- “Suspension” means a suspension pursuant to §3214 of New York’s Education Law.
- “Weapon” includes but is not limited to firearm, air gun, BB gun, dagger, dirk, razor, switchblade knife, gravity knife, brass knuckles, metal knuckle knife, slingshot, box cutter, utility knife, cane sword, Kung Fu star, or other Martial Arts instruments, electronic stun gun, pepper spray or other noxious spray, a weapon (device, instrument, animate or inanimate, that is used for, or is readily capable of causing physical injury or death) when used to cause physical injury or death, knife with any length blade, knife, pocket knife, or multi-tool with any length blade. A weapon includes a “dangerous weapon” 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 [see 18 USC § 930 (g) (2); New York Penal Law § 265.01].

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

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

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

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

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

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

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

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

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

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

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

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

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

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

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

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

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

## **F. Manifestation Review**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## H. Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

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

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

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

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

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

## **I. Expedited Due Process Hearings**

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

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

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

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

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

## **XI. CORPORAL PUNISHMENT**

Corporal punishment is defined as an act of physical force upon a student, for the sole purpose of punishing that student, and is strictly forbidden.

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

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

All complaints regarding the use of corporal punishment will be reported by the district, with the Commissioner of Education, in accordance with the Commissioner's regulations.

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

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

### **A. Searches**

The Board of Education authorizes the Superintendent and designated district employees to conduct searches of students and their 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 employee (Superintendent or designee, Principal, Assistant Principal, Nurse, district security official) may search a student or the student's belongings based upon information received from a reliable informant. Searches will be limited to the extent necessary to locate the evidence sought.

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

Whenever 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, Computers, Textbooks, Materials, Supplies and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable 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.

### **2. Searches of a Student's Person and/or Belongings**

The authorized school employee may conduct a search of a student's person or belongings when they have reasonable suspicion to believe the student is concealing evidence of a violation of law or the district code of conduct. It is noted, however, that as the level of intrusiveness increases, a higher standard of suspicion is required.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

### **3. Strip Searches**

Strip searches are intrusive in nature and under no circumstances will any school personnel conduct a strip search of any student. For the purposes of this section, requiring the removal of an outer coat or jacket, or shoes and socks, shall not constitute a strip search. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. In the unlikely event that such a thorough search is warranted, the police should be summoned to the scene.

### **4. Treatment of Cell Phones**

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

### **5. Documentation of Searches**

The authorized school employee initiating the search shall be responsible for recording the following information about each search:

- a. Name, age and grade of student searched.
- b. Reasons for the search.
- c. Name of any informant(s).
- d. Type and scope of search.
- e. Purpose of search (that is, what item(s) were being sought).
- f. Person conducting search and his or her title and position.
- g. Witnesses, if any, to the search.
- h. Time and location of search.
- i. Results of search (that is, what items(s) were found).
- j. Disposition of items found.
- k. 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.

## **6. Police Involvement in Searches**

Police must have a search warrant or have been invited by the school in order to conduct searches on school property or at a school event or have probable cause to believe a crime has been committed on school property or at a school event. Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school event.

### **B. Interrogations**

#### **1. District Employee**

School officials have the right to question students for the reasons including, but not limited to any violation of school rules or code of conduct, and/or illegal activity. School employees are not required to administer "Miranda" warnings or contact parents/guardians before questioning a student.

#### **2. Law Enforcement**

Police officials have limited authority to interview or search students in schools or at school events, or to use school facilities in connection with police work.

Police officials may enter school property or a school event to question or search a student or to conduct a formal investigation involving students only if they have:

- a. Search or an arrest warrant; or
- b. Have been invited by the school in order to conduct searches on school property or at a school event; or
- c. Probable cause to believe a crime has been committed on school property or at a school event.

Before law enforcement officials are permitted to question any student, the school principal or his or her designee shall first try to notify the student's parents/guardians to give the parent the opportunity to be present during the police questioning. If the student's parents/guardians cannot be contacted prior to the police questioning, the questioning 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 of a student on school property or at a school event.

Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a crime committed on school property or at a school event.

Students who are questioned by police officials on school property or at a school event 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.

### **3. 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 with students on school property relating to allegations of suspected child abuse and/or maltreatment. Children may be interviewed without a court order or the consent of the parent/guardian when child protective services has determined that circumstances warrant interviewing a student apart from family members or the home where the abuse may have occurred.

All requests by child protective services to interview a student on school property shall be made directly to the school principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview,

depending on the age of the student being interviewed and the nature of the allegations. 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.

In addition, upon request, the district will provide access to student records, if any, relevant to the investigation of suspected abuse and/or maltreatment.

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 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.

### **XIII. 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 students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The school 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 and report to the office of the Principal upon arrival at the school. There they will present photo identification, if requested, 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 before leaving the building.
3. Visitors attending school events 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. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the school principal and the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property or at a school event 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 and at school events contained in this code of conduct.

## **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY AND AT SCHOOL EVENTS**

### **A. Appropriate Conduct**

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 events. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school event including students, teachers and district personnel.

The restrictions on public conduct on school property and at school events 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 event shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school event are expected to be properly attired for the purpose they are on school property or at a school event.

### **B. Prohibited Conduct**

No person, either alone or with others, shall:

1. Possess, smoke, use or distribute, cigarettes, cigars, pipes, smokeless tobacco or any product containing nicotine or tobacco.
2. Possess, consume, buy, sell, distribute, manufacture or exchange electronic cigarettes or vapes, materials for use in electronic cigarettes or vapes, alcoholic beverages, cannabis (marijuana), illegal substances, or drug paraphernalia, or being under the influence of any of the aforementioned items. “Illegal substances” include, but are not limited to, inhalants, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, mood altering substances, bath salts, incense, herbal mixtures and any substances commonly referred to as “designer drugs.”
3. Intentionally injure any person or threaten to do so.
4. 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 or at a school event, including graffiti or arson.

5. Disrupt the orderly conduct of classes, school programs or other school activities.
6. Distribute or wear materials on school grounds or at school events that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
7. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
8. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
9. Obstruct the free movement of any person in any place to which this code applies.
10. Violate the traffic laws, parking regulations or other restrictions on vehicles.
11. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of any of the aforementioned items on school property or at a school event
12. Possess or use weapons in or on school property or at a school event, except in the case of law enforcement officers or except as specifically authorized by the school district.
13. Loiter on or about school property.
14. Gamble on school property or at school events.
15. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
16. Willfully incite others to commit any of the acts prohibited by this code.
17. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school event.

### **C. 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 event 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 action as 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; shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

#### **D. Enforcement**

The school principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the school principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or 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 designee shall have the individual removed immediately from school property or the school event. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

### **XV. DISSEMINATION AND REVIEW OF CODE OF CONDUCT**

This Code of Conduct is adopted in compliance with Section 2801 of the Education Law, and accordingly will be filed with the Commissioner of Education. It shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and the Board of Regents within thirty days after adoption of such amendment or revision. Further, this Code of Conduct was amended to be compliant with Chapter 482 of the Laws of 2010 (Dignity for All Students Act) effective July 1, 2012.

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.

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 complete code available for review by students, parents and other community members.

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

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. This review shall be completed no later than June 30 of each school year.

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

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