

## CODE OF CONDUCT

### *Student Rights And Responsibilities*

#### 1. Student Rights

- 1.1 The right to a free public education within a safe and orderly environment free from threats to person or property.

This includes the right to attend school until the age of 21, unless a student graduates first. Attendance is required until the age of 17. If a student is excluded from school before reaching that age, an alternative educational program must be provided.

- 1.2 The right to respectful treatment, free from bullying, harassment, hazing, intimidation, or other physical, verbal, or psychological abuse, as indicated in the Board of Education policy.
- 1.3 The full rights of citizenship as defined by the Constitution of the United States and that of New York State, as well as applicable federal and state laws, including due process of law.
- 1.4 The right to information regarding school rules and procedures.
- 1.5 The right to seek changes in school policies and regulations in an orderly manner through channels provided for this purpose.
- 1.6 The right to express opinions, take positions, and support causes publicly or privately without unlawful interference as long as these activities do not result in disruption of the educational process or impinge on the Constitutional rights of others.
- 1.7 The right to participate in school programs and activities without any discrimination because of sex, race, religion, ethnic origin, economic status, disabling condition or sexual orientation.
- 1.8 The right to privacy and confidentiality.

1.8.1 Permanent records and student communication with individual staff members will be confidential, except for examination of District records by properly authorized school personnel, parents or legal guardians, or court order or subpoena as legally sanctioned in each specific instance. The individual student has the right to examine his/her own permanent and class records as defined by law.

If a staff member believes that information he or she received about a student involves a clear and present danger to that student's health and safety or to the health and safety of others or that such information is legally mandated to be reported, that information must be reported to the principal immediately. The principal, in consultation with other professionals, will take

appropriate action to safeguard the health and safety of the student(s). The principal will make every effort while taking such action to maintain confidentiality.

- 1.8.2. Students are protected from unreasonable search and seizure of their person(s). If school officials have “reasonable suspicion” for believing that a search of a student will yield evidence of a violation of the law or school rules, then such a search is permissible.
- 1.8.3. Students are protected against corporal punishment within the framework of school district Policies and Regulations. Complaints about corporal punishment should be made by following the procedures in school district Regulations.
- 1.8.4. Student lockers are the property of the school district and are loaned to students. Student lockers are subject to search based upon reasonable suspicion that a search of a locker may yield evidence of a violation of the law or school rules. The authorities may seize illegally possessed material, which may be used as evidence against students who are assigned those lockers.
- 1.8.5. Although a student car is the property of an individual, if it is parked on school grounds, it may be searched by school authorities based upon reasonable suspicion that a search of the car may yield evidence of a violation of the law or school rules.
- 1.8.6. Student automobiles parked on school property are protected from unreasonable searches by police. A police officer may stop a car and ask the driver for a license and registration, but he/she does not have the right to stop and search the car unless the driver is arrested or the police officer has probable cause to believe that a crime has been or is being committed. Giving a traffic summons is not an arrest. The outside of a car may be checked for possible violations of New York State safety requirements.
- 1.8.7. Teachers and principals may question a student with regard to an alleged violation of school rules and regulations, and statements made by students may be used against them. However, students have the right to remain silent.
- 1.8.8. A student may not be interviewed by police authorities within the school building without the student’s consent. A student may refuse to talk about an alleged crime. If asked, a student must tell a police officer his/her name, address, and whether or not he/she is a student in a particular school. A student has the right to contact parents and an attorney, and school personnel are required to make every effort to contact parents before such questioning takes place, except in cases of suspected child abuse.

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

- A. A search or an arrest warrant.
  - B. Probable cause to believe a crime has been committed on school property or at a school function, or
  - C. Been invited by school officials
- 1.9. The right of free speech and assembly so long as their exercise does not disrupt or interfere with safety and the operation of regular school programs. These rights include:
- 1.9.1. The distribution of leaflets, newspapers, and other literature adjacent to and on school property and in the school. School officials may require that students submit material for approval prior to distribution only when there is to be a substantial distribution and only if the school has regulations that clearly describe the procedures for prior submission of literature that provide for a definite and brief period in which school officials will make their decision. Denial of the right to distribute is permitted only if specific facts can be pointed to which justify the fear that distribution will be disruptive.
  - 1.9.2. The wearing or display of buttons, armbands, flags, decals or other forms of symbolic expression, unless the manner of expression may materially or substantially interfere with the orderly process of the school and/or the rights of others.
  - 1.9.3. The use of school facilities such as classrooms and auditoriums during school hours, after school, or in the evenings. Student groups will enjoy the same rights to use these facilities as extra curricular clubs and activities. Use of facilities will be subject to school district Policy and Regulations.
  - 1.9.4. Participation in school sponsored organizations, subject to the guidelines in school and school district Policy and Regulations.
  - 1.9.5. The right to select individual patterns of dress and grooming so long as they do not endanger health or safety or serve as an impediment to full participation in school activities or disruption of the educational process.
  - 1.9.6. The right not to participate in the Pledge of Allegiance for personal and private reasons. Non-participation will be subject to school district Policy and Regulations.

- 1.9.7. The right to assembly is guaranteed except if it is determined by the school authorities to interfere with the school program.
- 1.9.8. The right to file a complaint or grievance alleging that there is an action affecting them which is prohibited by law, as indicated in the Board policy. The Director of Guidance will be the contact for any student with a potential complaint or grievance.

## 2. Student Responsibilities

- 2.1 The responsibility to abide by all prevailing local, state, and federal laws, particularly as they pertain to respecting the rights and property of others. Each student must be accountable for his/her actions.
- 2.2. The responsibility to attend school regularly and abide by the rules and regulations of the school and district. District rules require students to:
  - 2.2.1. Report to homeroom daily for attendance-taking and communications.
  - 2.2.2. Be on time to homeroom and all classes.
  - 2.2.3. Bring a note from a parent when arriving late to school, when requesting permission to leave school early for a legitimate purpose, and on the day of return from each absence from school.
  - 2.2.4. Abide by the prohibition against possession, sale or use of tobacco, alcohol, or drugs, as spelled out in school district Policies and Regulations.
  - 2.2.5. Keep lockers in a neat, orderly condition, free of litter.
  - 2.2.6. Report any accident in school resulting in personal injury to the teacher in charge at the time of the accident.
  - 2.2.7. Be responsible for losses and damages to school textbooks which are only on loan to students.
  - 2.2.8. Use school equipment only under the direction of a teacher.
  - 2.2.9. Take pride in the school and help keep buildings and grounds attractive. Refrain from littering, creating graffiti, and marking furniture.
- 2.3. The responsibility to contribute to a school atmosphere conducive to orderly learning and to refrain from boisterous and disruptive behavior.
- 2.4. The responsibility to each other to refuse to start, participate in, or in any way encourage or tolerate acts of bullying, harassment, intimidation, or other physical, verbal, or psychological abuse.

- 2.5 The responsibility to exercise the right of free expression, verbally or symbolically, without the use of obscenities, libelous statements, malicious or personal attacks.

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- 2.6 The responsibility to cooperate with staff and other students to build mutual understanding and promote a safe and secure school environment.
- 2.7. The responsibility to follow regulations governing the use of vehicles on school property as explained in school district Policy and Regulations.

### *Student Discipline*

#### I. Introduction

The East Williston school district’s policies and practices related to student discipline and behavior exist to help accomplish the objectives set out in the district’s mission statement. Those objectives include the nurturing of “the best in each child morally, intellectually, socially, artistically, emotionally and physically.” We attempt to inculcate “respect for individual human worth and tolerance of difference.” Above all, we expect our schools to be humane and supportive environments where the growth of learners is more important than judgments of them. Thus, the disciplining of our children must always be humane and directed towards effectively helping them grow, change, and cope with the causes of their behavior.

The Board of Education also recognizes that any society, including our school district, must establish rules and regulations to insure the welfare, rights, and safety of its members and to accomplish the goals of that society.

The success of any set of rules depends on making the members of that society aware of the rules and then enforcing those rules under a consistent and fair procedure, one that recognizes the individual rights and needs of the member as well as his/her obligation to the society.

To accomplish this end, the Board has established and approved this policy.

#### II. Definitions

- A. “Suspension” means an exclusion of a student, whether in-school or out-of-school, from school privileges for disciplinary reasons by a principal for not more than five (5) consecutive school days.
- B. “Long-term Suspension” means an exclusion of a student from school for disciplinary reasons by the Board of Education or the Superintendent of Schools for a period of more than five (5)

consecutive school days but not extending beyond one hundred eighty (180) consecutive school days. The period of a long-term suspension may extend into the school year following the year in which the long-term suspension was imposed.

- C. “Emergency” means a situation under which the continued presence of the student in the school imposes a danger to persons or property, or such a disruption of the educational process that a student may be suspended immediately and a hearing scheduled as soon as possible thereafter.
- D. “Days” means days when school is in session.
- E. “Violent student” means a student under the age of 21 who:
  1. Commits an act of violence upon a school employee.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
  3. Possesses, while on school property or at a school function, without the knowledge and consent of school authorities, a weapon.
  4. Credibly threatens, while on school property or at a school function, to use a weapon.
  5. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  6. Knowingly and intentionally damages or destroys school district property.
- F. “Weapon” means a firearm as defined in 18 USC§921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.
- G. “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

### III. Teacher Disciplinary Removal of Disruptive Students

On occasion, a student's behavior in a classroom 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, thus affecting the ability of a teacher to teach and other students in a classroom to learn. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a blatant unwillingness to comply with the teacher's instructions or seriously violates the teacher's classroom behavior rules.

- A. A classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies to the class of the removing teacher only.
- B. A classroom teacher may, however, elect at his or her own discretion to utilize other behavioral management techniques such as (1) short-term "time out", (2) sending a student to the principal's office for the remainder of the class time, (3) sending a student to another staff member for counseling, and (4) other appropriate corrective actions.
- C. If the disruptive student does not pose a danger or on-going 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.
- D. 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.
- E. When the teacher removes a disruptive student from class, he or she must notify the principal's office of the removal in writing as soon as possible but not later than the end of the same school day as the removal. Such notice must specify the reason for removal and circumstances of the removal.
- F. Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parents 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.

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- G. The written notice must be provided by a method that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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 parents.
- H. The teacher who ordered the removal may 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 event. 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.
- I. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:
  - 1. The charges against the student are not supported by substantial evidence.
  - 2. The student's removal is otherwise in violation of law, including the district's code of conduct.
  - 3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- J. On the basis of any one of these findings, 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, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.
- K. Any disruptive student removed from the classroom shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Such programming and activities may not include temporary placement in another teacher's regular class.
- L. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. It is incumbent on the teacher and the district to carefully monitor disciplinary procedures of special education students.

IV. Authorization

- A. A principal of the school may suspend a student if, after giving the student an opportunity for an informal conference conducted in accordance with Section 3214, New York State Education Law, the principal determines that a student's conduct is insubordinate or disorderly or otherwise endangers the safety, morals, health or welfare of others or him/herself.
- B. B. The Superintendent may place a student on a long-term suspension if, after a hearing conducted in accordance with Section 3214, New York State Education Law, the Superintendent finds that a student's conduct is insubordinate or disorderly or otherwise endangers the safety, morals, health or welfare of others or him/herself.

V. Prohibited Conduct

- A. Specific reasons given for student discipline, including but not limited to suspension or long-term suspension are as follows:
  - 1. A student who is insubordinate or disorderly or otherwise endangers the safety, morals, health or welfare of others or him/herself.
  - 2. Depending on the particular circumstances, a student who exhibits seriously disruptive behavior including, but not limited to:
    - a. Conduct causing a threat of danger to the physical well being of him/herself or others;
    - b. Willfully striking, assaulting or causing bodily harm to another person;
    - c. Theft;
    - d. Using obscene, profane, defamatory, or verbally abusive language or gestures to or about other people;
    - e. Defying the legitimate authority of any teacher or other employee of the Board of Education;
    - f. Willfully causing or attempting to cause damage to school property or school buses, or the personal property of others while on school grounds;
    - g. Disrupting the educational process or orderly administration of the school district by participating in or inciting others to participate in a walkout, sit-in or other unauthorized demonstration on school property;
    - h. Blackmailing, hazing, bullying, threatening or otherwise intimidating others;

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- i. Possessing, transmitting or discharging any firework, weapon, explosive or other dangerous object of no reasonable educational use to the student;
- j. Possessing, using or selling unauthorized drugs, narcotics or alcoholic beverages;
- k. Disrupting the educational process or orderly administration of the school district by displaying or wearing of any insignia identifying secret societies or other organizations which restrict membership, such as fraternities and sororities, or by engaging in any activity relating to membership in such an organization;
- l. Inciting other students to be absent from class or truant;
- m. Failing to serve an assigned detention;
- n. Smoking;
- o. Tampering with school documents, including the forging of parent notes;
- p. Turning in a false alarm or bomb scare;
- q. Leaving school property without permission;
- r. Knowingly using or copying the work of another person and presenting it as the student's own without proper attribution;
- s. Tampering with school computers;
- t. Harassment or sexual harassment;
- u. Violation of the District's Internet Use Policy;
- v. Disruption of the educational process or orderly administration of the school district by misusing technology;
- w. Academic misconduct, including such behaviors as participation in forgery, plagiarism, copying and/or cheating;
- x. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating others in a negative manner;
- y. Any of the above-listed behavior occurring off school grounds where there exists a nexus between the conduct and the educational process or orderly administration of the school district, including misconduct on buses.

The above list is not to be considered inclusive.

VI. Procedures Governing Suspension

The principal will observe the following procedures in cases of student suspension.

- A. Unless an emergency situation requiring the student's immediate removal exists, no student will be suspended prior to providing the student and person in parental relation to the student, on request, with an opportunity for an informal conference. At an informal conference, the principal shall state the charges, and provide the person in parental relation with an opportunity, upon request, to ask questions of complaining witnesses. In the event of an emergency, the opportunity for the informal conference will be given as soon after the suspension as possible.
- B. In the case of an emergency situation, the principal or his/her designee will make all reasonable attempts by telephone to notify the person in parental relation to a minor student within twenty-four (24) hours about the suspension and state the cause(s) leading to the suspension.
- C. Whether or not telephone contact is made with such person, the principal or a designee will forward a letter to said person at the last address reported on school records by personal delivery, express mail delivery or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of suspension, and offering such person an opportunity for the conference referred to above.
- D. Notices required by this policy shall also be given directly to the student.
- E. To insure that education is continued, a student will be allowed to complete any class work, including examinations, without penalty, which he/she missed while under suspension. For a student of compulsory school age, or a student classified with a disability, home instruction and/or alternative instruction shall be provided.
- F. The principal shall be responsible for considering whether the student has been identified as a student with a disability, afforded procedural protections by Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act. Specifically, the principal shall ascertain whether the student has a Behavioral Intervention Plan, an Individual Education Plan or a Section 504 Plan, which addresses the student's behavior or provides direction concerning the consequences for behavior that may be a manifestation of the student's disability. If the student is identified as a student with a disability, the principal shall inform the Administrator of Educational Services or designee of the suspension and all of the student's removals and/or suspensions for the school year.

VII. Superintendent's Long-Term Suspension

- A. If the principal determines that a suspension in excess of five (5) days is warranted (either because of the nature of or the accumulation of offenses, or because of the severity of the offense), the principal shall refer the matter to the Superintendent with a recommendation to commence a formal suspension procedure.
- B. The recommendation for a Superintendent's suspension hearing must be sent in writing by the principal to the Superintendent or a designee.
- C. Upon receipt of this recommendation, the Superintendent or a designee will conduct an inquiry to determine whether to proceed with the formal suspension procedure.
- D. If it is determined that such a procedure is warranted, the Superintendent will schedule a hearing.
- E. Except in an emergency situation requiring the student's immediate removal, the Superintendent will follow the procedure set forth below before suspending a student:
  - 1. The student and person in parental relation will be given reasonable notice of the hearing.
  - 2. This notice will include:
    - a. The scheduled date, time and place of the hearing;
    - b. The specific charges against the student on which the hearing will be based;
    - c. A statement of the rights of the student and of the person in parental relation as set forth in Section 3214, New York State Education Law and this policy.
  - 3. The Superintendent may personally preside over the hearing or, in his/her discretion, may appoint a hearing officer. The hearing officer will make findings of fact, and may recommend the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part thereof.
  - 4. At the hearing, the student will have the right to be represented by counsel, to question witnesses against the student and to present witnesses and other evidence on his/her behalf.

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5. The student is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or person in parental relation does not speak English. A request for a translator should be made to the Superintendent at the time the hearing is set, at least forty-Eight (48) hours in advance of the hearing.
  6. The Superintendent will notify the student and person in parental relation in writing after making a determination of whether the District has sustained its burden of proof with respect to the charges.
  7. If the Superintendent finds the District has sustained its burden and the student is classified as disabled under the IDEA, the Superintendent shall arrange for a manifestation determination, and follow part 201 of the Commissioner's Regulations with regard to procedural protections provided those students. If the Superintendent finds the District has sustained its burden and the student is provided protection under Section 504 of the Rehabilitation Act, the Superintendent shall arrange for a manifestation determination, and follow the District policy concerning implementation of Section 504.
  8. If the Committee on Special Education or Section 504 team finds the student's conduct is not a manifestation of the student's disability, the Superintendent shall consider the student's prior school records, and special education records, prior to determining the appropriate action, if any. The student and person in parental relationship shall have an opportunity to review the student's records prior to the Superintendent's review. If the Committee determines that the student's conduct is a manifestation of the student's disability, the Superintendent's determination of an appropriate action, if any, shall comply with the law.
  9. In an emergency situation, the hearing will be conducted as soon as possible after the student is removed from school.
  10. An appeal of the Superintendent's decision may be made to the Board of Education, who will make their decision solely on the record before them. The Board may adopt in whole or in part the decision of the Superintendent of Schools.
- F. Whenever a student has been suspended or placed on long-term suspension and that student is of compulsory attendance age, immediate steps will be taken for his/her attendance in an instructional program elsewhere or for supervision or detention of that student pursuant to the provisions of Article Seven of the Family Court Act. For students classified as disabled, the alternative instructional education setting shall comply with part 201 of the Commissioner's Regulations.

### VIII. Suspension Procedure by Board Of Education

Pursuant to Section 3214, New York State Education Law, the Board of Education, after a hearing, also has the power to suspend students for more than five (5) days. When a student has been suspended by the Board of Education in accordance with Section 3214 of the New York State Education Law, the Board may, in its discretion, hear and determine the proceeding or appoint a hearing officer who will have the same powers and duties with respect to the Board that a hearing officer has with respect to the Superintendent.

The findings and recommendations of the hearing officer conducting the proceedings will be advisory and subject to final action by the Board of Education, each member of which will, before voting, review the testimony and acquaint him/herself with the evidence in the case. The Board may reject, confirm or modify the conclusions of the hearing officer.

### IX. Minimum Periods of Suspension

#### 1. Students who bring a weapon to school.

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- 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.

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The Superintendent is required to refer the following students to the County Attorney (*or the County presentment agency if not 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 weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in §265.00 of the Penal Law) on school grounds (as defined in § 220.00 (14) of the Penal Law) qualifies for juvenile offender status under §1.20 of the Criminal Procedure Law.

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

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

Any student, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days, unless the student is classified as a student with a disability and the suspension would violate the provisions of Section 201 of the commissioner's regulations. 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 a hearing 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 weapon.

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

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Any student who engages in conduct which results in the student being removed from the classroom by a teacher on four or more occasions during a semester will be suspended from class or school for at least five days, unless the student is classified as a student with a disability and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. 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 a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Nothing in this paragraph is to be construed as in any way limiting the statutory rights of teachers to remove disruptive students.

### X. Other Disciplinary Procedures

The amount of due process a student is entitled to before a penalty, other than removal, is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than a teacher removal or suspension will be accorded the following due process rights:

#### 1. Before/After School Detention

Teachers, principals and the Superintendent may use after/before school detention as a penalty for student misconduct. Parents will be notified of a detention.

#### 2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Building Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Principal to discuss the conduct and the penalty involved.

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

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

### XI. Reporting Violations of the Code of Conduct

Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall be encouraged to report this information immediately to faculty, staff or administrator. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The Building Principal must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal learns of the violation. The notification may be made by telephone, followed by a letter mailed within twenty-four hours after the telephone call is made. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime.

### IX. Publication

The school district will take the following actions to publicize the code:

- A. Provide copies of a summary to all students which will be presented and reviewed at the beginning of the school year.
- B. Mail a plain language summary of the code to all persons in parental relation before the beginning of each school year.
- C. Make the code available thereafter upon request.
- D. The Board will take reasonable steps to ensure community awareness of code provisions through the district newsletter.

XII. Review

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

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

Ref: Education Law §3214; Article 7, Family Court Act

Adoption date: July 2, 2001

Revised: August 8, 2005

**CODE OF CONDUCT***Public Conduct on School Property*

The Board of Education recognizes that the primary purpose of the district is to provide an atmosphere conducive to learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law §2801.

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

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

Ref: Education Law §2801

Adoption date: January 21, 2003

## CODE OF CONDUCT

### *Public Conduct on School Property Regulation*

These rules govern the conduct of students, faculty and other staff, residents, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

### *Prohibited Conduct*

No person, either alone or with others, shall:

1. willfully injure any person or threaten to do so;
2. intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other district employee or any personal lawfully on school property, including graffiti or arson;
3. disrupt the orderly conduct of classes, school programs or other school activities;
4. distribute or wear materials on school grounds which appear obscene, which advocate illegal action, discriminate against race, nationality or religion, sexual orientation, appear libelous, and which are disruptive to the school program or obstruct the rights of others;
5. intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
6. trespass upon any portion of school premises or remain in any building or facility after it is normally closed without authorization;
7. disrupt the efficient operation of the school by obstructing the free movement of any person in any place to which these rules apply;
8. violate the traffic laws, parking regulations or other restrictions on vehicles;
9. possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at any school-related function;
10. possess or use firearms and/or other weapons including air guns, pistols, rifles, other noxious spray in or on school property (except in the case of law enforcement officers or except as specifically authorized by the school district);
11. loiter on or about school buildings or grounds;
12. gamble on school property or at school functions;
13. refuse to comply with any reasonable order of identifiable school district officials performing their duties;
14. willfully incite others to commit any of the acts herein prohibited; and/or
15. violate any federal or state statute, local ordinance, or Board policy.

*Penalties and Procedures*

The Board of Education shall impose penalties upon those persons violating the above-referenced rules in accordance with the Code of Conduct, the Education Law and State and federal laws. The Board of Education may, in accordance with State and federal law, revoke an individual's authority to enter onto school grounds. Where a violation of this policy may also be a violation of a State law, federal law, or local ordinance, the Board of Education may report such violations to the appropriate State, local, and federal authorities.

*Enforcement Program*

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

This regulation and the penalties contained herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal law, state law, or local ordinance and the imposition of a fine or penalty provided for therein.

*Amendment*

These rules and regulations may be amended or modified by the Board. All future amendments shall be filed with the Board of Regents and Commissioner of Education

Adoption date: January 21, 2003