

ALDEN CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT



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ALDEN CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

INTRODUCTION

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

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

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

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

DEFINITIONS

For purposes of this Code, the following definitions apply.

"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.

"Parent" means parent, guardian or person in parental relation to a student.

"School bus" means every motor vehicle operated by or for the District used to transport pupils, teachers, administrators, and other persons, to or from school or school activities.

"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, as well as any moveable property contained therein that is either owned or leased by the District or within the District's control.

"School function" means any school-sponsored extra-curricular event or activity.

"Violent student" means a student under the age of 21 who:

- 1) Commits or attempts to commit an act of violence upon a school employee.
- 2) Commits or attempts to commit, 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, a weapon.
- 4) Displays, while on school property or at a school function, what appears to be a weapon.

- 5) Threatens, while on school property or at a school function, to use a weapon.
- 6) Knowingly and/or intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- 7) Knowingly and/or intentionally damages or destroys school district property.

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

"Visitor" means any person not enrolled in or employed by the District on school premises or at a school function.

STUDENT RIGHTS AND RESPONSIBILITIES

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

- 1) Take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, or disability.
- 2) Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- 3) Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- 4) To be protected from intimidation, harassment, bullying (including cyberbullying) or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity; or occurring off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, or intimidation or abuse might reach school property.

All District students have the responsibility to:

- 1) Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- 2) Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
- 3) Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- 4) Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.

- 5) Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- 6) Learn, develop, and apply mechanisms to control their behavior.
- 7) Express oneself in a positive and socially acceptable manner.
- 8) Ask questions when they do not understand.
- 9) Seek help from a school official and/or employee in solving problems that might lead to discipline.
- 10) Dress appropriately for school and school functions.
- 11) Accept responsibility for their actions.
- 12) 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.
- 13) Communicate potentially dangerous situations to a school official and/or employee.
- 14) 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, bullying, cyberbullying or discrimination. To report and encourage others, to report any incidents of intimidation, harassment, bullying, cyberbullying, or discrimination to the Dignity Act Coordinator and/or Building Administrator in a timely manner.

ESSENTIAL PARTNERS

Parents

All parents are expected to:

- 1) Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- 2) Send their children to school ready to participate and learn.
- 3) Ensure their children attend school regularly and on time.
- 4) Ensure absences are excused.
- 5) Insist their children be dressed and groomed in a manner consistent with the student dress code. Recognize that extremely brief garments, see-through garments or other distracting styles of apparel are not appropriate.
- 6) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 7) Know school rules and help their children understand them.
- 8) Convey to their children a supportive attitude toward education and the District.

- 9) Build good relationships with teachers, other parents and their children's friends.
- 10) Help their children deal effectively with peer pressure.
- 11) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 12) Provide a place for study and ensure homework assignments are completed.
- 13) Lead by example and conduct themselves in a courteous, respectful manner.
- 14) Exemplify conduct that fosters civility, kindness, and acceptance towards all people.
- 15) 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, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

Teachers

All District teachers are expected to:

- 1) Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching and concern for student achievement.
- 4) Know school policies and rules and enforce them in a fair and consistent manner.
- 5) Communicate to students and parents:
 - a. Course objectives and requirements.
 - b. Marking/grading procedures.
 - c. Assignment deadlines.
 - d. Expectations for students.
- 6) Communicate with students, parents and other teachers concerning growth and achievement.
- 7) Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
- 8) Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.
- 9) 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, or sex, with an understanding of appropriate appearance, language, and behavior in a school and/or classroom setting, which will strengthen students' self-image and promote confidence to learn.

- 10) Report incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to a teacher's attention to the Dignity Act Coordinator (DAC) and/or Building Administrator in a timely manner.

Guidance Counselors

All District guidance counselors are expected to:

- 1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2) Initiate teacher / student / counselor conferences and parent / teacher / student / counselor conferences, as necessary, as a way to resolve problems.
- 3) Regularly review with students their educational progress and career plans.
- 4) Provide information to assist students with career planning.
- 5) Encourage students to benefit from the curriculum and extracurricular program.
- 6) Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
- 7) Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.
- 8) 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, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 9) Report incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to a guidance counselor, the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Principals

All District principals are expected to:

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and student learning.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- 3) Evaluate on a regular basis all instructional programs.
- 4) Support the development of and student participation in appropriate extracurricular activities.
- 5) Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- 6) Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.

- 7) Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.
- 8) 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, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 9) Report and/or investigate incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to a principal's attention in collaboration with the Dignity Act Coordinator (DAC) in a timely manner.
- 10) Follow-up on any incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

Superintendent

The District superintendent is expected to:

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- 2) Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- 3) Inform the Board about educational trends relating to student discipline.
- 4) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- 5) Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- 6) Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
- 7) Offer guidance and education programs for all District staff members to ensure effective implementation of the Dignity for All Students Act including guidance on promoting a safe and supportive school climate while discouraging, harassment, bullying, cyberbullying, or discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.
- 8) Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.
- 9) Maintain school environments that are free from harassment, bullying, cyberbullying, or discrimination.
- 10) Refer any incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to the superintendent's attention in a timely manner to the appropriate building administrator and the Dignity Act Coordinator (DAC).

Board of Education

The Board of Education is expected to:

- 1) Collaborate with students, teachers, administrators, parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- 2) Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- 3) Lead by example by conducting themselves in a professional, respectful, courteous manner that fosters civility, kindness, and acceptance towards all people.
- 4) Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.
- 5) Maintain school environments that are free from harassment, discrimination, bullying, or cyberbullying.
- 6) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
- 7) Offer guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

Dignity for All Students Act Coordinators

All District Dignity Act Coordinators (at least one per building) are expected to:

- a. Serve as the lead person responsible for facilitating implementation of the Dignity Act.
- b. Participate in required training in order to respond to human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, sex and gender discrimination, harassment, bullying, and cyberbullying.
- c. Be accessible to students, staff, and parents for consultation and guidance as needed relative to the implementation of the Dignity Act.
- d. Accept reports regarding alleged violations of the Dignity Act and conduct investigations as appropriate.
- e. Lead by example by conducting themselves in a professional, respectful, courteous manner that fosters civility, kindness, and acceptance towards all people.
- f. Model behavior that is free from harassment, discrimination, bullying, or cyberbullying.

STUDENT DRESS CODE/CIVILITY

Basic Philosophy

The dress code is designed to allow for student comfort while maintaining an environment conducive to learning and appropriate for the educational setting. All students are expected to give proper attention to personal cleanliness, and to dress appropriately for school and school functions. We understand that a student's appearance affects daily behavior, the educational climate and productivity in the classroom. We are making a concerted effort to instill good grooming habits and personal character traits at Alden Schools so that our students will be adequately prepared to enter the mainstream of life.

The following dress code applies to both sexes and will be enforced during the school day and at all school functions. However, none of the following statements is to be interpreted to limit the District's responsibility and obligation to enforce unique safety and health requirements (e.g. technology classes, physical education classes, swimming classes, science labs, and sporting events.)

A student's dress, grooming and appearance shall:

- 1) Be safe, appropriate and not present health or safety hazard to the students or others in the school.
- 2) Not interfere with the educational process. Examples are included in respective building student handbooks.
- 3) Ensure that undergarments are completely covered with outerwear.
- 4) Include proper footwear at all times. Socks and/or slippers are not considered proper footwear.
- 5) Not include headwear in the school except for special school sanctioned activities and medical or religious purposes.
- 6) Not include items that are sexually explicit, vulgar, obscene, libelous, or which denigrate others on account of race, color, weight, religion or religious practice, sex, sexual orientation, gender, gender identity, national origin, ethnic group, political affiliation, age, marital status, military status, or disability.
- 7) Not promote and/or endorse the use of alcohol, tobacco products, banned products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs and/or encourage other illegal or violent activities.

Each building principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and whenever a revision to the dress code is made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including school suspension. Any student who repeatedly fails to comply with the dress code shall be subject to further disciplinary action up to and including long term suspension pursuant to this Code.

Appropriate Language/Respectful Behavior

Students are expected to behave, and to treat all students, teachers, school staff and others, with honesty, tolerance, respect, courtesy and dignity as per the ACSO Policy #7550 - Dignity Act. Students should

respect their peers, teachers, and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, racial comments, and/or obscene gestures toward others will not be tolerated and students will be subject to appropriate disciplinary action.

PROHIBITED SEXUAL HARASSMENT

Inappropriate visual, verbal or physical conduct directed by an adult to an adult, an adult to a student, a student to an adult or a student to a student.

Elements of sexual harassment may include:

1. Sexual in nature or gender based
2. Unwanted or unwelcome
3. Severe, persistent or pervasive
4. Interferes with ability to do work, learn or study

PROHIBITED STUDENT CONDUCT

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

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

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

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

- 1) Engage in conduct that is disorderly. Examples of disorderly conduct include:
 - a. While school is in session, students are not permitted in the halls or lavatories without a duly authorized pass. Students found without a pass may be subject to disciplinary measures. Appropriate hallway behavior is expected. Running, shoving or any other inappropriate behaviors not conducive to the school environment is not permitted.
 - b. Making unreasonable noise.
 - c. Using language or gestures that are profane, lewd, vulgar or abusive.
 - d. Obstructing vehicular or pedestrian traffic.
 - e. Engaging in any willful act, which disrupts the normal operation of the school community.

- f. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Students will be considered trespassing in any School District building during non-school hours, unless they are attending/participating in a school/community event, approved by the School District.
- g. Inappropriately using computer. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.
- h. Misusing Computer and/or Electronic communication devices including, but not limited to, threats, harassment, maligning/defaming others, and/or cyberbullying. Note, high school students must also know guidelines for Use of Electronic Communication Devices specifically applicable to them.
- i. "Cyber" violations – inappropriate and/or unauthorized use of technology (i.e., personal electronic devices such as smartphones or cell phones; computers; cameras; video and/or audio taping equipment; software; etc.) and/or the Internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning and/or defaming others, accessing websites for non-academic purposes (e.g., social networking; media downloads, etc.), as well as use of unauthorized proxies or "tunneling". Cyber violations also include violations of the Acceptable Use Policy and/or Electronic Devices with Text Messaging Capabilities Policy. Such behavior may result in disciplinary action regardless of whether it occurs on school property and/or at school-sponsored events or off-campus when a nexus between the behavior and substantial disruption to the school environment or material interference with school activities exists or is foreseen to exist.
- j. Pulling a fire alarm, discharging a fire extinguisher, pulling an AED alarm, and/or calling 911 without cause.
- k. All students must eat their lunch in the cafeteria whether they bring it from home or buy it, unless specifically granted permission to be exempted from this provision. Students must return their trays and deposit their garbage in the proper receptacles. Students must remain seated at all times during the lunch period. Students are expected to conduct themselves in an orderly manner in the cafeteria. Any behavior in the cafeteria that violates the provisions in this Code will not be tolerated and may result in appropriate disciplinary action.
- l. For students of driving age, driving to school is a privilege, not a right. Students are to arrive on time for school and behave in accordance with the provisions of this Code. Students who abuse this privilege will not be allowed to park on school property. Students must obey the posted speed limit and drive in a prudent, responsible manner. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors and interiors of student automobiles while on school property if cause or suspicion exists that the student may have or is violating the provisions of this Code or law or regulation. ATV's, snowmobiles, dirt bikes, etc. are not allowed on school grounds at any time.

Students must visibly display an appropriate parking permit at all times while on school property during the school day. Unauthorized and improperly parked vehicles will be ticketed.

Students who drive to alternative placement (Harkness, work-based learning placements, etc.) must obtain written permission from a parent or guardian and school administration. Any student who rides with another student must obtain written permission from both parents and school administration.

- 2) Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - b. Lateness for, missing or leaving school without permission. However, out of school suspensions will not be used as a consequence for missing school and/or classes.
 - c. Skipping detention.
- 3) Engage in conduct that is disruptive. Examples of disruptive conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - b. Interfering with the learning process.
 - c. Being unprepared for class.
- 4) Engage in conduct that is violent or physically aggressive. Examples of such conduct include:
 - a. Threatening, attempting, and/or committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee.
 - b. Threatening, attempting, and/or committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property.
 - c. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 - d. Displaying what appears to be a weapon.
 - e. Threatening to use any weapon.
 - f. 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 function, including graffiti or arson.
 - g. Intentionally damaging, vandalizing, defacing and/or destroying School District property.
 - h. Bullying, which encompasses an imbalance of power and may include a variety of negative acts such as: physical (hitting, kicking, spitting, taking personal belongings); verbal (taunting, malicious teasing, name calling); or psychological (spreading rumors, manipulating social relationships, extortion, or intimidation).
 - i. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety.
 - j. Communicating, by any means, including oral, written, or electronic (such as through the Internet, social networking, or email) off school property, where the content of such communication can be interpreted as a threat to commit an act of violence on school property or results in a material and/or substantial disruption to the educational environment.
 - k. Intentionally damaging, misusing or destroying School District property.

- 5) Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
- a. Lying to school personnel.
 - b. Stealing or assisting in the theft of District property or the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 - c. 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.
 - d. Discrimination, which includes the use of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender identity, sexual orientation, disability, or sex as a basis for treating another in a negative manner.
 - e. Harassment, bullying, or cyberbullying is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing, or occurring off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, or intimidation or abuse might reach school property which is based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, disability, or sexual orientation.
 - f. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 - g. 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.
 - h. Selling, using, possessing or distributing obscene materials on school grounds or at school functions that are inflammatory, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
 - i. Using vulgar, sexually demeaning or abusive language, cursing or swearing.
 - j. Sending or receiving sexually explicit videos, recordings, or other communications of a sexual nature.
 - k. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, or intimidation or abuse might reach school property; or (b) can reasonably be interpreted as a threat to commit an act of violence on school property; or (c) results in material or substantial disruption to the educational environment.
 - l. Possessing, distributing, or smoking a cigarette, including vapor and/or e-cigarettes (and associated liquid substances), cigar, pipe, or using chewing or smokeless tobacco.
 - m. Possessing a lighter or matches.

- n. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic marijuana, K2/Spice, and any substances commonly referred to as "designer drugs."
 - o. Possessing paraphernalia used in connection with alcoholic beverages, illegal substances, prescription drugs, or designer drugs.
 - p. Possessing, bringing, sharing, distributing, or carrying on your person any prescription or over the counter medication while on school property or at a school sponsored event. Over the counter medication includes, but is not limited to, aspirin, Tylenol, Advil, Motrin, Allergy medication, Cold Medication, Cough Syrup, vitamins, supplements, herbs, or other similar substances. Prescription and/or over the counter medication must be dispensed and/or cleared through the school nurse's office and proper protocol for the school nurse's office must be followed at all times.
 - q. Students observed participating in or conducting any activity that may be construed as gambling will be disciplined appropriately. Exchanging of personal property is not conducive to the educational environment and those items may be confiscated and appropriate disciplinary measures will be taken.
 - r. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 - s. Inappropriate and/or sexual conduct, including but not limited to, visual, verbal, or physical contact, directed towards another student.
 - t. Engaging in sexual harassment (as defined on page 9 of this Code).
 - u. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 - v. Making statements, inappropriate jokes or taking actions that can cause a person to fear for their safety.
- 6) Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- 7) Engage in any form of academic misconduct. Examples of academic misconduct include:
- a. Students are expected to take responsibility for their social and academic conduct. Academic honesty requires that students turn in work that is their own and shows their best effort. Academic dishonesty includes cheating and plagiarism.

Plagiarism includes: lack of in-text documentation; not using quotation marks for direct quotes; paraphrasing and not giving credit; direct copying and submitting as the student's own work. Cheating may involve homework, projects, assignments, exams, quizzes or tests and may include: submitting work obtained or copied from another student or obtained from a teacher without permission; allowing another student to copy or obtain work; looking at

another's test, answers or materials; copying another student's answers; talking or exchanging materials during the test period.

The following may be criminal offenses which will be referred to the proper law enforcement authorities: accessing, deleting, modifying, transferring, or receiving computerized files without authorization from the teacher (this includes, but is not limited to, tampering with grades and attendance); using personal cellular mobile devices, District-provided device, or any mechanism with camera capabilities to photograph and/or quickly transmit copies of tests, projects or homework assignments without authorization from an employee of the District.

Students found to be plagiarizing or cheating on any assignment and/or test or examination may have a parent conference scheduled with the teacher and other school staff as necessary. If warranted, the student will also receive a reduction in their grade or will receive a grade of zero on the assignment, project, quiz or test with no makeup offered. In addition, the student may face suspension from clubs, sports or any other extra-curricular activity and/or criminal charges prosecutable under local, state and federal laws.

- b. Assisting another student in any of the above actions.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or their designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the 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 building principal or their designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

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

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

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, guidance counselors, teachers, teacher aides, principal, superintendent.
- 3) Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, teacher aides, principal, superintendent.
- 4) Detention – teachers, principal, superintendent.
- 5) Late Detention – principal, superintendent.
- 6) Suspension from transportation – principal, superintendent.
- 7) Suspension from athletic participation – coaches, principal, athletic director, superintendent.
- 8) Suspension from social or extracurricular activities – activity director, principal, superintendent.
- 9) Suspension of other privileges – principal, superintendent.
- 10) Removal from classroom by teacher – teachers, principal.
- 11) Short-term (five days or less) suspension from school – principal, superintendent.
- 12) Long-term (more than five days) suspension from school – superintendent.

13) Permanent suspension from school – superintendent, Board of Education.

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.

Detention

Teachers, 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. Students will be given an opportunity to meet with the teacher or assistant principal to schedule the detention.

Suspension from transportation

If a student does not conduct them self 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 or their designees. In such cases, the student's parent will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

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 Section 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.

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 their composure and self-control in an alternative setting. Such practices may include but are not limited to: (1) sending a student to the principal's office as a possible "time out"; or (2) sending a student to a guidance counselor or other District staff member for counseling. In both instances the teacher should be notifying the parent or guardian directly. 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 call the appropriate administrator to remove a disruptive student from class. The removal from class applies to the class of the teacher who removed the student only. Due process and normal disciplinary procedures will be followed from that point.

Suspension from school

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

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.

1) 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 Section 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.

An appeal of a short-term suspension by a parent or person in parental relation must be commenced with the Commissioner of Education within 30 days from the date of the principal's decision. (District Policy 7313).

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, they 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 them and the right to present witnesses and other evidence on their behalf.

The superintendent shall personally hear and determine the proceeding or may, in their 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 them. 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 a long-term suspension by a parent or person in parental relation must first be commenced with the Board of Education within 30 days from the date of the Superintendent's determination. If a parent or person in parental relation wishes to appeal the decision of the Board of Education regarding a long-term suspension, the appeal must be commenced with the Commissioner of Education within 30 days from the date of the Board of Education's decision. (District Policy 7313).

3) Permanent suspension/expulsion

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

Periods of Suspension

Students who bring a weapon to school

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

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

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school. Students with disabilities will be referred to the CSE for reevaluation of placement.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school. 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 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.

Students with disabilities will be handled according to federal and state law.

Referrals

Counseling

The school social worker and/or guidance counselor shall handle all referrals of students to counseling.

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 they require supervision and treatment by:

- 1) Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- 2) 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.
- 3) Knowingly and unlawfully possesses marijuana in violation of Penal Law Section 221.05. A single violation of Section 221.05 will be a sufficient basis for filing a PINS petition.

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:

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

The superintendent may 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.

Breach of Student Discipline Regulations

Accordingly, the following guidelines have been adopted for use at Alden Schools:

- 1) A breach (violation) of discipline may either be major or minor.
 - a. A major breach of discipline is defined as one which has serious consequences for the well-being of the student or others in the school. Among, but not limited to, major breaches of discipline are the following: truancy, drinking, or drug use connected with school functions, smoking in school, on the school campus or on buses, possession of weapons, fighting, leaving school building/property without permission, forging parental signatures on notes, vandalism, theft, insubordination*, obscene speech and/or gestures, missing administrative detention and abusive language in the presence of a supervisor.
 - b. A minor breach of discipline is defined as one which has less serious consequences for the well-being of the student or others in the school. Minor breaches of discipline would include occasional violation of classroom rules, tardiness to school or class, occasional disruptions in class or distracting behavior, occasional failure to complete class work, etc. It should be noted that frequent acts of minor misconduct may escalate the matter into serious breach of discipline.

**Refusal to comply with a reasonable directive of an administrator, teacher or other adult employee of the District.*
- 2) The means used by the school to deal with breaches of discipline are as follows:
 - a. The principle sanction used for major breaches of discipline is suspension from school. This may take two forms, internal (late detention) or external. A parent conference may be held prior to being readmitted from any out of school suspension. In addition, a student may be placed on probation. A student placed on probation will have their parents and teachers notified that they are not to be allowed, except for an emergency, to sign out of class or study hall.
 - b. The principle sanction used for minor breaches of discipline is detention. Detention may be assigned by teachers or the administration. Detention will be served after school only. However, a suspension may be imposed in certain circumstances.
 - c. Missing detention is a major breach of discipline. The detention obligation also takes priority over other school activities. Notification to advisors, coaches, etc., is the obligation of the student being detained.
 - d. A record of all student detentions will be maintained. If the number of offenses becomes excessive (three per semester), the student will be placed in late detention for a day for each offense.
 - e. Students who are late for the detention assignment will be assigned additional time.
- 3) Since disciplinary sanctions such as detention or suspension indicate student problems which need immediate correction, they take priority over other student obligations.

Students on external suspension may not participate in any other school activities during the duration of the suspension. This includes extra-curricular activities, club and organization activities, and athletic activities.

- 4) Students who have been assigned administrative detention are notified of the situation through the use of the Student Disciplinary Referral form. The form contains the statement of the staff member concerning the problem, when necessary the response of the student, and the action taken by the administrator when necessary. A copy of the report is mailed to the student's parents, another remains in the student's discipline folder and the final copy is returned to the staff member.

Smoking

The Board of Education has enacted clear rules, regulations, and penalties for participating, possessing and assisting in the act of smoking in any school building and on the grounds of Alden Central School District. The administration will enforce sanctions attached to this policy without exception. The possession or use of tobacco is prohibited on school property.

Required Penalties - Alcohol/Inhalants

Students in possession or engaging in the use of alcoholic beverages, inhalants, any other non-toxic substance, or any non-narcotic substances that may have as a purpose altering human behavior ("getting high") is prohibited on school property, in a school bus/vehicle, and/or at a school function. Such misconduct shall be subject to out of school suspension and possible Superintendent's Hearing.

A student who acts as a lookout to enable other students to violate the above policy will also be subject to suspension out of school.

Be advised that alcohol use and possession are prohibited by the policy stated above and by New York State Law.

Drug Possession

A student possessing, selling or using drugs/drug paraphernalia in school or on school property will be subject to suspension, and or possible referral to a Superintendent's Hearing as well as being referred to law enforcement.

Non-narcotic controlled substances are covered by the policy stated above.

Chemical Abuse

The Board recognizes our most valuable resource to be the youth of our community and that we are responsible for their education, attitudes and development in conjunction with the parents. The use and abuse of chemical substances and other drugs is recognized as a major contributor to many physical, psychological and sociological problems. The Board and the administrative and teaching staff of the District are acutely aware of the adverse effects these drugs have on learning, academic retention, emotional stability and discipline in our educational program.

Chemical abuse and dependency are seen as progressive problems. Therefore, both rehabilitation and disciplinary measures may be necessary. The disciplinary measures could range from suspension to expulsion. Outside action could begin with a recommendation for counseling and extend to a referral to the appropriate court. In every instance, however, the school will endeavor to support and provide opportunities for help and follow-up services.

The Board of Education is committed to achieving an environment free of chemical abuse or dependency.

Academic Cut Policy

A successful academic experience at Alden Central School demands regular attendance in all classes. Your teachers plan on you being in each class. Any violations or class cutting will be dealt with through a discipline referral.

Tardiness

Students are to report to their first class on-time each school day. Any student who is not present during the taking of attendance is tardy. Chronic tardiness will be referred to the building principal/assistant principal to review and determine appropriate consequence.

Leaving the Building and Grounds During School Hours/Early Dismissals

- 1) No student is to LEAVE THE SCHOOL BUILDING FOR ANY REASON WITHOUT PERMISSION.
- 2) Permission to leave the school building for any reason during the school day must be obtained from the school principal or their designee. Appointments should be made after school, or on Saturday whenever possible.
- 3) Students who leave the building and grounds without permission will be subject to disciplinary action.

Other District Buildings

No student is to enter another school building without the permission of that school's building principal. Failure to comply with the above policy may result in disciplinary action.

ALTERNATIVE INSTRUCTION

When a student of compulsory age is removed from school pursuant to Education Law Section 3214, the District will take steps to provide alternative means of instruction for the student.

DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

Authorized Suspensions or Removals of Students with Disabilities

- 1) For purposes of this section of the Code of Conduct, the following definitions apply:
 - a. A "suspension" means a suspension pursuant to Education Law Section 3214.

- b. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to them self or others.
 - c. An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
- 2) School personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:
- a. The Board, the District (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - (1) "Weapon" means the same as "dangerous weapon" under 18 USC Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

- 3) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

Change of Placement Rule

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

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

Special Rules Regarding the Suspension or Removal of Students with Disabilities

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

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

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

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

- 2) The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - (1) The parent of the student has expressed concerns in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education. Such expression of concern need not be in writing if the parent does not know how to write or has a disability that prevents a written statement; or
 - (2) The parent of a student has requested an evaluation of the student in conformity with state special education regulations; or
 - (3) A teacher of the student or other personnel of the District has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the administrator in charge of special education or to other supervisory personnel of the District.

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

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

- 3) The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in their current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

- 5) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
- 6) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- 7) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

Expedited Due Process Hearings

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

Referral to Law Enforcement and Judicial Authorities

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

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

CORPORAL PUNISHMENT

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

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

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

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

STUDENT SEARCHES AND QUESTIONING OF STUDENTS

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

In addition, the Board authorizes the superintendent, building principals, assistant principals, or any other authorized individual to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals will be considered reliable informants if they have not previously supplied misinformation.

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

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or their designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The principal or their designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

Student Lockers, Computers, Desks and other School Storage Places

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

Other Searches

Personal searches of student's belongings based on reasonable suspicion (including, but not limited to student vehicles and electronic devices), on school property or at a school function.

Strip Searches

A strip search will not be conducted by District personnel. The only exception to this rule is when the school official believes there is an emergency situation that could threaten the safety of the student or others and there is not enough time to turn the matter over to law enforcement officers.

Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- 1) A search or an arrest warrant; or
- 2) Probable cause to believe a crime has been committed on school property or at a school function; or
- 3) Been invited by school officials.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- 1) They must be informed of their legal rights.
- 2) They may remain silent if they so desire.
- 3) They may request the presence of an attorney.

Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the building principal or their designee. The principal or their 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 their 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 their clothing in front of a child protective services worker or School District official of the opposite sex.

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

VISITORS TO THE SCHOOLS

The building principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- 1) Anyone who is not a regular staff member or student of the school will be considered a visitor.
- 2) All visitors to the school must report to the main office upon arrival at the school. They must present a valid driver's license, or other government issued photo ID, 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 to the main office before leaving the building.
- 3) Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- 4) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- 5) Teachers are expected not to take class time to discuss individual matters with visitors.
- 6) Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- 7) All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

- 8) Student visitors are welcome under certain conditions. All requests for visitors must be approved by the building administration in advance of the visit as per building procedures. There will be no visitations allowed on the week prior to exams, the day before a school holiday or school vacation or during any school activity such as but not limited to: Homecoming events, spirit week, guest presenters. The administration reserves the right to limit the number of visitors on any given day. Visitation will occur in a way that avoids or minimizes disruption to the educational process and the ordinary classroom routine.

PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

Prohibited Conduct

No person, either alone or with others, shall engage in the prohibited misconduct. This list is not meant to be exhaustive but serves as a basis for prohibited misconduct to include:

- 1) Intentionally injure any person or threaten to do so.
- 2) Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- 3) Disrupt the orderly conduct of classes, school programs or other school activities.
- 4) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- 5) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- 6) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- 7) Obstruct the free movement of any person in any place to which this Code applies.
- 8) Violate the traffic laws, parking regulations or other restrictions on vehicles.
- 9) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.

- 10) Possess or use of tobacco products, e-cigarettes, or similar devices are strictly prohibited in school buildings and on school grounds.
- 11) Possess or use weapons (or look-a-like weapons) in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.
- 12) Loiter on or about school property.
- 13) Gamble on school property or at school functions.
- 14) Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- 15) Willfully incite others to commit any of the acts prohibited by this Code.
- 16) Violate any federal or state statute, local ordinance or Board Policy while on school property or while at a school function.

Penalties

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

- 1) a. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
b. Visitors may be subject to suspension from being on District property for a period of time depending on the severity of the violation.
- 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 Section 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 Section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- 5) Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

Enforcement

The building principal or their designee shall be responsible for enforcing the conduct required by this Code.

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

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

DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

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

- 1) Conducting a public hearing relating to this Code before Board approval.
- 2) Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- 3) Making copies of the Code available to all parents at the beginning of the school year.
- 4) Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
- 5) Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
- 6) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 7) Making copies of the Code available for review by students, parents and other community members.
- 8) Posting this Code of Conduct on the School District website for access by students, parents and community members.

The Board of Education will review this Code of Conduct every year and update it as necessary.

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.