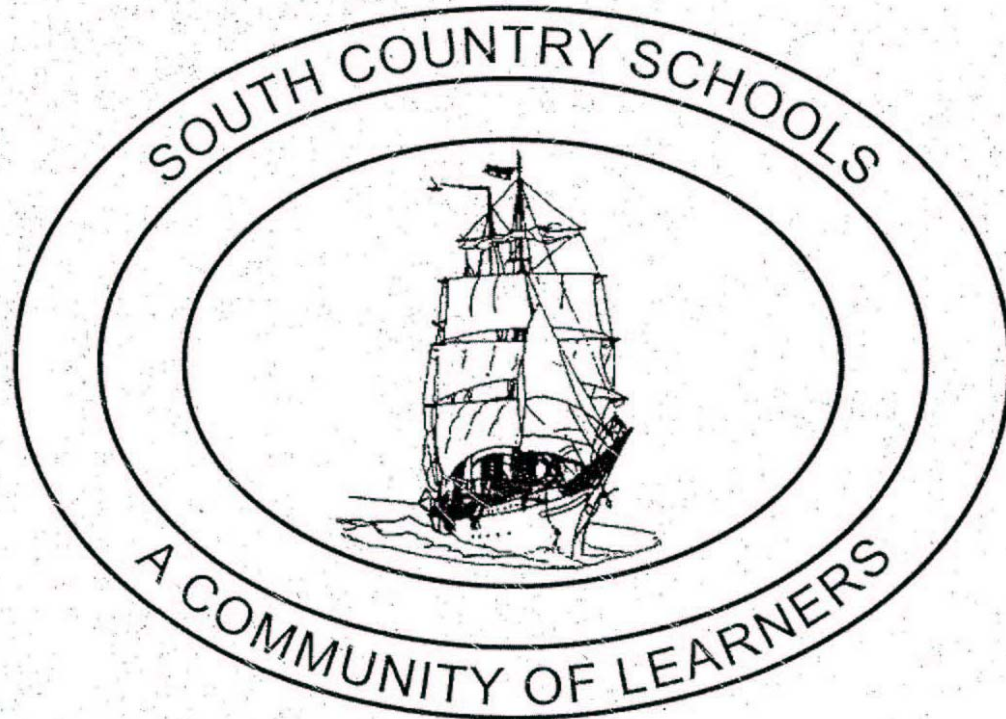


***SOUTH COUNTRY
CENTRAL SCHOOL DISTRICT***

CODE OF CONDUCT



A TRADITION OF QUALITY...A FUTURE OF EXCELLENCE

**SOUTH COUNTRY CENTRAL SCHOOL
DISTRICT
East Patchogue, New York, 11772**

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Code of Conduct

Introduction

The South Country Central School District Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, 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 of Education recognizes the need to clearly define these 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.

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

Code of Conduct

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I. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to the following:

1. A safe, healthy, orderly and civil school environment
2. Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, gender, sexual orientation or disability
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel
5. Address the Board of Education on the same terms as any citizen.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning.
2. Show respect to other persons and to property.
3. Be familiar with and abide by all district policies, rules and regulations.
4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement.
6. React to direction given by teachers, administrators and other school personnel in a respectful positive manner.
7. Utilize anger management strategies to support a positive learning environment.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to discipline.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship
12. Make constructive contributions to their school and to report objectively the circumstances of school-related issues.
13. Utilize time management techniques to balance academic and extra-curricular responsibilities.

II. Essential Partners

Students in the South Country School District are provided with an educational opportunity that promotes success. Through the ongoing collaborative efforts of the Board of Education, Superintendent, parents, teachers, administrators, and support services personnel we are capable of providing our children with the tools they need to achieve in the 21st century. As the “Essential Partners” our roles are interdependent. Each of us plays a vital part in assisting the children in reaching their fullest potential. The partnership works best when the lines of communication are kept flowing. The South Country School District welcomes and encourages frequent dialogue between all the partners. It is important that the essential partners respect each other for his or her opinion, contributions, and ideas. As essential partners, we find ourselves providing so much more than simply an environment for learning. Today, our children face many challenges and the essential partners “wear many hats”. Not only do we support, nurture, and befriend our children, we have an additional charge to teach students the necessary life skills, such as responsibility and accountability. Together, we are able to create an environment where students will always flourish and continue to be enriched.

A. PARENTS, GUARDIANS, OR PERSONS IN PARENTAL RELATION TO A STUDENT

All parents, guardians, or persons in parental relation to a student are expected/encouraged 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 and kept to a minimum.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

7. Know school policies, rules, academic department policies, 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. Communicate with teachers first to resolve issues that may arise in the classroom.
14. Provide the educational environment necessary for students to develop time management skills.

B. TEACHERS

All district teachers are expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports active teaching and learning.
2. Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies, rules, academic department policies, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Provide the educational environment necessary for students to develop time management skills.

C. PROFESSIONAL SUPPORT STAFF (Guidance Counselors, Social Workers, Psychologists, Nurses)

All district support staff are expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports active teaching and learning.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extra-curricular programs.
7. Assist/guide students transitioning from building to building and from one grade to another.
8. Know school policies, academic department policies, rules, and enforce them in a fair and consistent manner.
9. Provide the educational environment necessary for students to develop time management skills.

D. SUPPORT PERSONNEL (Teacher Assistants/Associates, Clerical, Custodial, Bus Drivers, Community Aides)

All district support personnel are expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports active teaching and learning.
2. Know school policies, rules, academic department policies, and enforce them in a fair and consistent manner.
3. Communicate regularly with school personnel regarding student progress.
4. Demonstrate interest in the learning process and concern for student achievement.
5. Provide the educational environment necessary for students to develop time management skills.

E. PRINCIPALS/DIRECTORS/ASSISTANT PRINCIPALS

All district principals/directors/assistant principals are expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

3. Evaluate on a regular basis all instructional programs as well as state assessments.
4. Support the development of, student participation in, appropriate extra-curricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Communicate regularly with students, parents, and staff concerning growth and achievement.
7. Know school policies, rules, academic department policies, and enforce them in a fair and consistent manner.
8. Provide the educational environment necessary for students to develop time management skills.

F. SUPERINTENDENT

The superintendent is expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports 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 of Education 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. Know school policies, rules, academic department policies, and enforce them in a fair and consistent manner.

G. BOARD OF EDUCATION

The Board of Education is expected/encouraged to:

1. Promote a safe, orderly and stimulating school environment which supports active teaching and learning.
2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
3. Adopt and review at least once a year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Know school policies, rules, academic department policies, and enforce them in a fair and consistent manner.

III. Student Dress Code

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

The following standards of dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, will be observed in all South Country Central School District schools:

1. All dress grooming and appearance must be safe, appropriate and not disruptive and must not interfere with the educational process.
2. Recognize that extremely brief garments are inappropriate and unacceptable. This may include but is not limited to the following: tank tops, backless tops, single shoulder tops, tube tops, net tops, halter tops, spaghetti straps, exposed midriffs, plunging necklines (front or back), skirt/skorts above mid thigh length, shorts that are excessively tight, garments that are revealing or see-through, net/mesh garments and pajamas.
3. Underwear must be completely covered with outer clothing at all times.
4. Pants must be worn at the waist.
5. Shirts must be no longer than fingertip length.
6. If worn, belts or overalls straps must be buckled.
7. Footwear must be worn at all times and must be appropriate for school activities. Footwear posing a safety hazard, as determined by law or the building principal, will not be allowed.
8. Head apparel may not be worn inside the school buildings. This includes but is not limited to hoods, hats and sunglasses.
9. Medals, medallions, jewelry with gang symbols or jewelry that may be deemed a weapon are not allowed. This includes but is not limited to rings covering multiple fingers, spiked necklaces or belts, belts with large removeable buckles, chain like neckwear, ninja type stars, etc...
10. No outerwear shall be worn during the school day.

11. The wearing of any item that contains offensive or obscene symbols, signs, slogans or words denigrating any persons race, color, religion, ancestry, national origin, disability, gender or sexual orientation is not permitted.
12. The wearing of any item that contains language or symbols promoting or endorsing violence, sex, drugs, alcohol, tobacco or vandalism is prohibited.
13. The wearing of any combination of clothing which law enforcement agencies currently consider gang related (these may change) is prohibited.

Each building principal shall be responsible for informing all students and their parent(s)/guardian(s) of the Student Dress Code at the beginning of the school year and any revisions to the Dress Code which may be made during the school year. In matters of opinion, the decision of school administration is final. School administration may allow exception in special circumstances including, but not limited to, medical or religious needs, holidays or special performances, and may further prescribe dress in certain classes such as physical education, vocational classes, and science labs.

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.

Parents may be notified and requested to bring appropriate articles of clothing to school.

Any student who refuses to modify his/her dress shall be subject to disciplinary measures up to and including suspension for the day.

Any student who repeatedly fails to comply with the dress code shall be subject to further disciplinary measures, up to and including out of school suspension.

IV. Prohibited Student Conduct

The following list of student misbehaviors, though not intended to be all-inclusive, is cause for disciplinary action by school authorities:

A. These actions apply to students who are engaging in conduct that is disorderly, insubordinate, and/or disruptive, such as:

1. Running in hallways.
2. Using language or gestures that are profane, loud, vulgar or abusive.
3. Engaging in any willful act which disrupts the normal operation of the school community:
 - a. Excessive noise
 - b. Falsely activating a fire or any other disaster alarm.
 - c. Falsely reporting a bomb threat.
 - d. Obstructing vehicular or pedestrian traffic.
 - e. Trespassing – Students are not permitted in any school building or on any school grounds (or property), other than the one they attend, without permission from the administrator in charge of the building.
 - f. Bringing equipment or material to school without authorization (e.g. Walkman, tape recorder, beeper, radio, headphones, toys, or any other electronic devices that are not necessary for their educational welfare). Cell phones are permissible but cannot be used during school hours of the regular day.
 - g. Failing to comply with the lawful directions of teachers, school administrators, other school personnel, or any other person so designated by an administrator to be in charge of students, or otherwise demonstrating disrespect.
 - h. Lateness for, missing or leaving school without permission.
 - i. Cutting classes
 - j. Skipping detention
 - k. Leaving class or school premises without permission of supervising school personnel.
 - l. Driving on school grounds without proper legal license and/or authorization from appropriate school administrator. (See BOE Policy 7370).

B. These actions apply to students who are engaging in conduct that is violent, such as:

1. Committing or eliciting/promoting an act of violence (such as hitting, punching, kicking, and scratching) upon a teacher, administrator or other school personnel.
2. Committing or eliciting/promoting an act of violence (such as hitting, punching, kicking, and scratching) upon another student or any other person lawfully on school property.
3. Engaging in intimidation, coercion, or extortion.
4. Engaging in physical or verbal sexual aggression.
5. Engaging in behavior which creates a substantial risk of, or results in, injury (e.g. committing arson or causing a riot)
6. 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 (*See BOE Policy 7360*). “Weapon” means a gun, revolver, pistol, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, 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, or other dangerous instrument that can cause physical injury or death.

7. Displaying what appears to be a weapon.
8. Threatening to use any weapon. (as defined in B6)
9. Engaging in or causing behavior on/off the school premises which can be demonstrated to affect negatively the educative process or which promotes a danger to the health, safety, morals or welfare of the school community.

C. These actions apply to students who are engaging in any conduct that endangers the safety, morals, health or welfare of others, such as:

1. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances or being under the influence of either as well as possessing, selling or distributing drug paraphernalia. “Illegal substances” include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs”.
2. Inappropriately using or sharing prescription and over-the-counter drugs.
3. Smoking a cigarette, cigar, pipe or using chewing tobacco or smokeless tobacco.
4. Acts of sexual harassment as defined in the district’s sexual harassment policy.
5. Engaging in lewd behavior or any behavior unbecoming young adults in a public school (e.g. excessive display of affection)
6. Using slurs based upon race, ethnicity, national origin, religion, gender, sexual orientation, or disability
7. Selling, using, or possessing obscene material
8. Gambling
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team
10. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function
11. Lying or giving false information verbally or in writing to school personnel.

D. These actions apply to students who are engaging 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. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the districts code of conduct.

E. These actions apply to students who are engaging in any form of academic misconduct, such as:

1. Plagiarism/copying
2. Cheating
3. Tampering with, changing, or altering a school record or document by any method including but not limited to computer access or other electronic means
4. Violation of Acceptable Use Policy (as defined by the BOE)
5. Assisting another student in any of the above actions.

V. Reporting Violations

Any student observing or having knowledge of 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 or the superintendent.

Every effort will be made by school district personnel to protect the identity of the person reporting code of conduct violations. The building principal will inform the superintendent immediately. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification to the parent, guardian, or person in parental relation to the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

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

VI. Disciplinary Procedures, and Penalties

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. This is best accomplished when teachers utilize all the classroom management tools available. 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. Handling disciplinary behavior problems at the classroom level will avoid placing undue burden on the other classroom teachers and administrators. Disciplinary action, when necessary, will be firm, fair and consistent, so as to be 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 that 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 warrant a lighter penalty than subsequent violations. This also means that the severity of a penalty will vary depending on whether the student's behavior is either minimally disruptive, moderately disruptive, substantially disruptive, or violent.

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 effective classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Time-honored classroom management techniques do not constitute disciplinary removals for the purpose of this code.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. The removal process should not become a substitute for effective classroom management.

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. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. Penalties

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

1. Verbal warning – any member of the district staff
2. Written notification to parent – teachers, principal or designee, assistant principal, superintendent
3. Detention – teachers, assistant principal, principal or designee, superintendent
4. Suspension from transportation – principal or designee, Director of Transportation, superintendent, Board of Education
5. Suspension from athletic participation – principal or designee, superintendent, Board of Education
6. Suspension from social or extracurricular activities – principal or designee, superintendent
7. Suspension of other privileges – principal or designee, superintendent
8. In-school suspension – principal or designee, superintendent
9. Removal from classroom – teachers, principal or designee, superintendent
10. Short-term (five days or less) suspension from school – principal or designee, superintendent, Board of Education
11. Long-term (more than five days) suspension from school- superintendent, Board of Education
12. Permanent suspension from school – superintendent, Board of Education
13. Referral to Assistant Principal – teacher, school personnel
14. Confiscation – teachers, principal or designee, assistant principal, superintendent
15. Teacher Discretion
16. Principal's Hearing – assistant principal
17. Superintendent's Hearing – principal, Board of Education
18. Police Contact – principal or designee, assistant principal.

B. Procedures

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

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals or designees, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified *by school personnel* to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

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

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

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

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

4. In-school Suspension

The Board of Education recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board of Education authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

Teachers may remove a student who is moderately disruptive, i.e. poses no danger or ongoing threat of disruption to the academic process, from the classroom. The teacher must inform the student of the reason for the removal orally and in writing by means of a form provided by school authorities and the teacher must provide the student with the opportunity to present his or her version of the relevant events.

In instances involving moderately disruptive behavior the teacher will direct the student to go to the person or office in the school that is authorized to handle student discipline matters. The student may be assigned to in-school suspension for the time prescribed by the authorized school official.

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

5. Teacher Removal of Substantially Disruptive or Violent Students

For the purposes of this section a violent student is defined as an elementary or secondary student under age 21 who:

- a. Commits, or attempts to commit an act of violence upon a teacher, administrator or other school employee
- b. Commits, or attempts to commit while on school property, an act of violence upon another student or other person lawfully upon school property or attempts to do so
- c. Possesses, while on school property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury
- d. Displays, while on school property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury
- e. Threatens, while on school property, to use any instrument that appears capable of causing physical injury or death
- f. Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any other person lawfully upon school district property
- g. Knowingly and intentionally damages or destroys school district property.

A substantially disruptive student is an elementary or secondary student under age 21 who is substantially disruptive of the educational process or who 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 instruction or repeatedly violates the teacher's classroom behavior rules.

Examples of disruptive behavior and consequent times for removal could be:

1. A student ignores a teacher's direction to stop talking to the pupil next to her for the third time, and the teacher removes the student for one day
2. A student ignores teacher's direction to stop talking to the pupil next to her and is verbally abusive of the teacher, whereupon the teacher removes the student for two days
3. A student responds to the teacher's directive to stop talking by rushing up to the teacher and physically touching the teacher in an aggressive, but not violent manner, and then the teacher removes the student for three days.

Any staff member may recommend that a student be suspended for substantially disruptive behavior. 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.

All staff members must immediately report and refer a violent student, as defined in section two above, to the principal, or designee, or the superintendent for a violation of the code of conduct. All such referrals shall be made in writing unless the conditions underlying the 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 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.

Teachers may remove students who are substantially disruptive or who interfere with the teacher's authority. However, prior to taking such action, teachers must refer such students for suspension as provided for above. In the event the teacher removes a student, the teacher shall send or direct such students to the designated school official. Within twenty-four hours of the removal, the teacher must provide the reasons for the removal on the district prepared referral form and provide the student with an informal opportunity to be heard.

The teacher must complete a referral form and meet with the principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or his/her designee must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reason for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address

for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

If, at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal or designee.

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

1. The charges against the student are not supported by substantial evidence
2. The student's removal is otherwise in violation of law
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal or designee makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must maintain a record of all student removals from his/her class. The principal or designee must keep a record of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or designee or chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

VII. Alternative Instruction

Section .3214 of the New York State Education Law states:

“that where pupil has been suspended as insubordinate or disorderly and said pupil is of compulsory attendance age, immediate steps** shall be taken for his attendance upon instruction elsewhere requires educators to provide alternative instruction to pupil suspended even for five days or less.”*

“thus commissioner of education had a basis in law for determining that board of education was under no legal obligation to continue to provide education for student who was over the age of compulsory school attendance at time of his suspension.”

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

*(1) Section 3205, State Education Law

** (2) Immediate, but not instantaneous

VIII. 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 enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

A “suspension” means a suspension pursuant to Education Law §3214.

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

An “IAES” means a temporary educational placement determined by the CSE, for a period of up to 45 school 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 receive ed. service so as to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

a. The BOE, a district superintendent of schools or a building principal may order the placement of a student with a disability into an appropriate 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 appropriate 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 school days, if the student has inflicted serious bodily injury upon another person while at school on school premises or to or at school at a school function under the jurisdiction of the district, carries or possess a weapon to school, on school premises or to or at 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 on school premises or at a school function.

1. “Weapon” means the same as “dangerous weapon” under 18 U.S.C. §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.
4. Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or loss or impairment of the function of a bodily member, organ or mental faculty.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order a change in placement of a student with a disability to an appropriate IAES setting for up to 45 school days, if maintaining the student in the current educational placement poses substantial risk of harm to the student or others. The IAES will be determined by the CSE.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or

removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with a disability if imposition of the 5 school day or 10 school day 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 it 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 serious bodily injury, weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:

conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and implement a behavioral intervention plan whenever the district suspends or removes a student with a disability for more than 10 school days in a school year or imposes a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving serious bodily injury, weapons, illegal drugs, or controlled substances.

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

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

2. Manifestation Determination team shall:

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

3. Students presumed to have a disability for discipline purposes:

The parents of a student who is facing disciplinary action, but who was not identified as a student with a disability 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 the student 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. conducted an individual evaluation and determined that the student is not a student with a disability, or
 2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-

disabled student 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.

4. 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 serious bodily injury, weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. 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
6. 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.
7. 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 it has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, 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 serious bodily injury, 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. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The 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.

GLOSSARY OF TERMS

The following acronyms and terms are defined for purposes of this document:

Behavioral Intervention Plan (BIP)– A plan that is based on the results of the functional behavioral assessment and, at a minimum includes a description of the problem behavior, global and specific hypotheses as to why problem behavior occurs and intervention strategies to address the behavior.

Business Day– Monday through Friday, except for federal and State holidays (unless holidays are specifically included in the designation of business day).

Committee on Special Education– A committee on special education, subcommittee on special education, or other multidisciplinary team established in accordance with Education Law section 4402 or, in the case of a preschool student with a disability, the committee on preschool special education.

Compulsory School Age– Age six to the end of the school year when the student turns age 16. (In city or union free school districts with more than 4,500 inhabitants, the board of education may require students who are not employed to attend school until the end of the school year in which the student turns 17.

Disciplinary Change in Placement– A suspension or removal from a student's current educational placement that is either:
For more than ten consecutive school days; or
For a period of ten consecutive days or less if the student is subjected to a series of suspensions or removals that constitutes a pattern because they accumulate to more than ten 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 suspension or removals to one another.

Expedited Due Process Hearing– An impartial hearing conducted in an expedited manner in accordance with section 201.11 of the Regulations of the Commissioner.

Free Appropriate Public Education (FAPE)– For students with disabilities suspended or expelled from school, as defined in 34CFR section 300.121(d).

Functional Behavioral Assessment (FBA)– The process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment includes, but is not limited to:
the identification of the problem behavior;
the definition of the behavior in concrete terms;
the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Hearing Officer– An individual appointed by the board of education or superintendent to conduct a section 3214 superintendent's hearing.

Impartial Hearing Officer (IHO)– An individual assigned by a board of education or by the Commissioner to hear an appeal and render a decision in accordance with section 200.5(i) of the Regulations of the Commissioner of Education.

Individualized Education Program (IEP)– A written statement developed, reviewed and revised in accordance with section 200.4 of the Regulations of the Commissioner that includes the components specified in section 200.1(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

Individuals with Disabilities Education Act (IDEA)– Federal law relating to the education of students with disabilities.

Interim Alternative Educational Setting (IAES)– A temporary educational placement determined by the committee on special education for a period of up to 45 school 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 participate in the general curriculum, although in another setting; and to progress toward meeting the goals set out in the student’s IEP
- receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur

Long-term suspension– A suspension of more than five consecutive school days.

Manifestation Determination– A review of the relationship between the student’s disability and the behavior subject to disciplinary action.

Prior Notice– Written statements provided to the parents of a student with a disability within a reasonable time before the school district proposes to or refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

Procedural Safeguards Notice– A written notice developed by the State Education Department that describes the rights for parents of children with disabilities, ages 3-21.

Removal– The removal of a student with a disability for disciplinary reasons from that student’s current educational placement, other than a suspension; and the change of placement of a student with a disability to an IAES by a superintendent of schools for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, or by an impartial hearing officer in a dangerous situation.

School Day– Any day, including a partial day, that students are in attendance at school for instructional purposes. The term school day has the same meaning for all students in school, including students with and without disabilities.

Short-term suspension– A suspension of five consecutive school days or less.

Student presumed to have a disability for discipline purposes– A student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in IDEA and its regulations.

Student with a disability– A student with a disability or a preschool student with a disability as defined in sections 200.1(zz) and 200.1(mm) of the Regulations of the Commissioner.

Superintendent’s hearing– A disciplinary hearing conducted pursuant to Education Law section 3214(3)(c) and (g) by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

IX. Corporal Punishment

Corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil. No teacher, administrator, employee or agent of the South Country Central School District shall use corporal punishment against a pupil.

However, if alternate procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

1. Self protection
2. Protection of others
3. Protection of property
4. Restraining/removing a disruptive student, if that student has refused to comply with a request to refrain from further disruptive acts.

Whenever school personnel use physical force against a student, the school personnel shall, within the same school day, make a written report to the building principal describing in detail the circumstances and the nature of the action taken.

The superintendent will keep the Board of Education apprised of all incidents of the use of physical force. Each incident will be reported to the Board of Education at the next regularly scheduled meeting after the date of the incident.

The Superintendent of Schools shall submit a written report to the Commissioner of Education, with copies to the Board of

Education, as prescribed by law, setting forth the substance of each written complaint about the use of corporal punishment received by the South Country Central School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

X. Student Searches and Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any “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 of Education authorizes the superintendent, building principals and/or designees, 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. Factors to be considered in determining whether reasonable cause exists to search a student include:

1. the age of the student
2. the student’s record and past history
3. the predominance and seriousness of the problem in the school where the search is directed
4. the urgency to conduct the search without delay
5. the reliability of information provided alleging the presence of an illicit item or substance
6. visual observation leading to the reasonable suspicion that an illicit item or substance is possessed by a student.

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

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than school district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to the immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

Strip searches will only be carried out by law enforcement officials upon their determination.

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. 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.

B. Documentation of Searches

The superintendent, principal, and/or designee shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched
2. Reason(s) for the search
3. Name of any informant(s)
4. Purpose of search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his or her title and position
7. Witnesses, if any, to the search

8. Time and location of search
9. Results of search (that is, what item(s) were found)
10. Disposition of items found
11. Time, manner and results of parental notification

The superintendent, building principal or designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. They shall retain control of the items, unless the items are turned over to the police, and shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the school official shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, by the school official as soon thereafter as possible. The school official will also be present during any police questioning or search of a student on school property or at a school function.

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

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

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The school district's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

D. Child Protective Services Investigations

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

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

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

XI. Visitors to the Schools

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits.

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor
2. All visitors to the school must report to the main office and/or security desk upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office and/or security desk 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, but are restricted to the area of function.
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 his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct
8. Signs will be posted throughout the school building directing visitors to report to the main office.

XII. 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.

"School Property" is defined as in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law S142.

"School Function" is defined as any school-sponsored extra-curricular event or activity.

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.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or remove district property
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, nationality, 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. Use tobacco products on school property
10. 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
11. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray 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 lawful 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.

B. Penalties

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

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

C. Enforcement

The superintendent shall be responsible for enforcing the conduct required by this code. The superintendent may designate the other district staff who are authorized to take action consistent with the code. The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the superintendent or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official shall also warn the individual of the consequences for failing to stop. If a 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 designated school official 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.

XIII. Dissemination and Review

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year
2. Making copies of the code available to all parents at the beginning of the school year
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption
5. Providing all new employees with a copy of the current code of conduct when they are first hired
6. Making copies of the code available for review by students, parents and other community members.

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

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

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

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

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