

CENTER MORICHES UFSD

CODE OF CONDUCT AND  
RESPONSIBILITIES

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## CENTER MORICHES UFSD

### Code of Conduct and Responsibilities

#### INTRODUCTION

The Center Moriches Board of Education shall adopt and amend a Code of Conduct and Responsibilities for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel, as well as visitors, and shall provide for the enforcement thereof. (Project SAVE, §2810 of Education Law).

The Center Moriches UFSD 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. An orderly environment within a school requires a Code of Conduct that clearly defines individual responsibilities, categorizes unacceptable behavior, and provides for appropriate disciplinary options and responses that will result in a change to more appropriate behavior. To be effective, such a Code of Conduct and Responsibilities must:

1. Identify and recognize acceptable behavior, and promote honesty, civility, mutual respect, citizenship, character, tolerance, integrity, self-discipline and responsibility.
2. Concern itself with the welfare of the individual as well as that of the school community as a whole.
3. Promote a close working relationship between parents and the school staff.
4. Discriminate between minor and major offenses, as well as first time and repeat offenses.
5. Provide disciplinary responses that are appropriate to the misbehavior and be administered by all in a way that is fair, firm, reasonable and consistent.
6. Encourage a high regard for every person's right to reasonable hearing procedures and due process.

A school's primary concern is education. The Board of Education is responsible for seeing that essential controls are established and adequate discipline is maintained in the operation of the schools to effectively promote the safety, social and educational growth of students. To this end, the Board of Education adopts this Code of Conduct and Responsibilities.

This Code of Conduct and Responsibilities applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## DEFINITIONS

For the purposes of this code, the following definitions apply.

**“Disruptive and/or Disorderly 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.

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

**“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

**“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

**“Harassment, bullying, cyberbullying and/or discrimination”** against any student by employees or students, or the creation of a hostile environment by conduct or by threats, intimidation or abuse, that either: (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits, or mental, emotional, and/or physical well-being, that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or cause a student to fear for his or her physical safety. Such conduct shall include acts of harassment, bullying, cyberbullying and/or discrimination that occur: (i) on school property (ii) at a school function; (iii) off school property; or (iv) online where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct, threats, intimidation or abuse might reach school property.

**“Bullying”**, which includes the intentional targeting by a student/students of an individual (or group) using physical, verbal, written, and/or psychological aggression with the intent to dominate the victim/s. This also includes, but is not limited to, cyber bullying/harassment which involves the use of information and communication technologies

including, but not limited to, e-mails, telephone and text messaging, instant messaging, (IM), internet, defamatory online personal polling web sites, and sexting to support deliberate, repeated, and hostile behavior by a student/students, that is intended to harm others.

“**Intimidation**”, which includes engaging in actions or statements that put an individual in fear of bodily harm

“**Parent**” – means parent, guardian or person in parental relation to a student.

“**School property**” – means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus or bus stop as defined in New York State Vehicle and Traffic Law §142.

“**School function**” means any activities in the District’s schools, school-sponsored extra-curricular events or activities (e.g., field trips, sporting events, club activities, etc.), regardless of where such event or activity takes place, including those events or activities that take place in another state.

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

“**Violent student**” means a student under the age of 21 who:

- A. Commits an act of violence upon a school employee.
- B. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- C. Possesses, while on school property or at a school function, a firearm or weapon.
- D. Displays, while on school property or at a school function, what appears to be a firearm or weapon.
- E. Threatens, while on school property or at a school function, to use a firearm or weapon.
- F. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- G. Knowingly and intentionally damages or destroys school district property.

“**Firearm**” means a firearm as defined in 18 U.S.C. §921 for purposes of the Gun-Free Schools Act.

“**Weapon**” –means any other gun, including but not limited to: BB guns, air guns, spring guns, revolvers, shotguns, rifles, machine guns, disguised guns, paintball guns, electronic stun guns, and electronic dart guns; all knives and/or blades, including but not limited to: daggers, dirks, razors, razor blades, stilettos, switchblade knives, gravity knives, butterfly knives, metal knuckle knives, box cutters, box cutter/utility knife blades, pocket knives and cane swords (with the exception of plastic cutlery solely used for eating meals); as well as brass knuckles, sling shots Kung Fu stars, pepper sprays or other noxious sprays, explosive or incendiary bombs, or

other devices, instruments, materials or substances that can cause physical injury or death when used to cause physical injury or death.

“**Controlled substance**” means a drug or other substance identified in the federal Controlled Substances Act, 21 U.S.C. §802 or the New York State Penal Law Article 220.00, and their implementing regulations.

“**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 or state law.

### **RIGHTS OF STUDENTS**

Education in a free society demands that students be aware of their rights and that they learn to exercise them responsibly. The District is committed to safeguarding students’ rights under state and federal law. To this end, students have a right to:

1. Be educated in a setting that is physically safe, emotionally secure and intellectually stimulating;
2. Learn as they become developmentally capable.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
4. Have school rules enforced consistently and fairly and have a right to present their version of the facts to school authorities regarding disciplinary matters.
5. Expect communication and cooperation between the school and home on academic and discipline matters.
6. Expect that school officials and parents will look out for the best interest of each student.
7. Take part in all school sponsored activities on an equal basis regardless of race, color, creed, national origin, religion, gender/gender identity/gender expression or disability.

### **RESPONSIBILITIES OF STUDENTS**

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected to:

1. Accept responsibility for his/her actions.
2. Respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined.
3. Attend school on a regular basis, and be punctual at all times.
4. Complete class assignments and other school responsibilities by meeting deadlines.
5. Become an “active learner” by continually showing evidence of appropriate progress toward meeting course and/or diploma requirements.
6. Respect school property and help to keep it free from damage.
7. Obey school policies, rules and regulations made by school authorities and the student governing body regarding student conduct, and cooperate with school authorities in the investigation of Code violations.

8. Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for the entire school community.
9. Become familiar with the Code of Conduct and Responsibilities and seek interpretation of parts not understood.
10. Dress appropriately for school and school functions.
11. 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.

### **ROLE OF PARENTS**

A cooperative relationship between home and school is essential to each student's successful development and achievement. To achieve this wholesome relationship, parents are urged to:

1. Exemplify an enthusiastic and supportive attitude toward school and education.
2. Building a good working relationship between themselves and their child.
3. Teach their child self-respect, respect for the law, and respect for others and public property.
4. Insist on prompt and regular attendance.
5. Recognize that teachers, administrators and other school personnel deserve the same consideration and respect that parents expect from their child.
6. Encourage their child to take pride in his/her appearance and to dress appropriately for school.
7. Insist that their child promptly bring home all communication from the school.
8. Cooperate with the school in jointly resolving any school-related problem by listening to views and observations of all parties concerned.
9. Set realistic standards of behavior for their child and be firm, fair and consistent in applying them.
10. Help their child learn to deal effectively with both positive and negative peer pressure.
11. Provide a time and place conducive for study and completion of homework assignments, and to encourage their child to take pride in their schoolwork.
12. Demonstrate desirable standards of behavior through personal example.
13. Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.
14. Serve as role models for students and act in a respectful manner toward teachers, administrators and other school personnel.

### **ROLE OF TEACHERS**

Teachers know that they work everyday with this nation's most precious commodity – the future generation. In view of this responsibility, teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity/gender expression or sex.

2. Plan and conduct a program of instruction that will make learning challenging and stimulating, allowing students to attain their full potential.
3. Recognize that some disciplinary problems are caused by student personal and academic frustrations, and be sensitive to adolescent behavior patterns.
4. Utilize classroom routine that contributes to the total instructional program and to the student's development of civic responsibility.
5. Distinguish between minor student misconduct best handled by the teacher, and major problems requiring the assistance of the administrator.
6. Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two.
7. Help students cope with positive and negative peer pressures.
8. Seek to develop close cooperative relationships with parents for the educational benefit of the student.
9. Send communication home promptly, and/or call parents as appropriate.
10. Report to the administration any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom.
11. Be conscious of ethics and appropriate behavior in relationships with students, parents, teachers and administrators, and serve as role models for students.
12. Demonstrate desirable standards of behavior through personal example.
13. Provide timely feedback to students on the assessment of academic performance to facilitate the implementation of remediation action plans.
14. Address personal biases that may prevent equal treatment of all students.
15. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.

### **ROLE OF THE GUIDANCE COUNSELOR**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity/gender expression or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.



10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

### **ROLE OF BUILDING ADMINISTRATORS**

As the educational leaders for the school, the principal sets the disciplinary climate for the school, not only for students, but for staff as well. They must, therefore:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity/gender expression or sex.
2. Evaluate the program of instruction in their school to achieve a meaningful education program.
3. Help their staff self-evaluate their procedures and attitudes in relation to the interactions within their classrooms, and to assist staff members to resolve problems that may occur.
4. Develop procedures that reduce the likelihood of student misconduct.
5. Provide the opportunity for students and staff to approach the administration directly for formulation of school regulations and redress of grievances, resolution of concern.
6. Work closely with parents to establish a collaborative relationship between home and school.
7. Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions.
8. Establish and maintain necessary building security.
9. Assume responsibility for the dissemination and enforcement of the Code of Conduct and Responsibilities to insure that all discipline cases referred are resolved promptly and to develop behavior guidelines and appeal procedures in harmony with this document.
10. Insure fairness, reasonableness and consistency.
11. Comply with pertinent state laws governing hearings, suspensions and student due process rights.
12. Demonstrate desirable standards of behavior through personal example.
13. Work with District administrators in enforcing the Code of Conduct and Responsibilities and ensure that all cases are resolved promptly and fairly.
14. Address personal biases that may prevent equal treatment of all students.
15. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.

### **OTHER SCHOOL PERSONNEL**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.
3. Be familiar with the Code of Conduct and Responsibilities.
4. Help children understand the District's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

### **THE DIGNITY ACT COORDINATORS (DAC)**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the District's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.
8. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.
9. The Dignity Act Coordinators are as follows:

Dennis Ricci            Clayton Huey Elementary  
                                  511 Main Street  
                                  Center Moriches, NY 11934  
                                  (631) 878-9780

Glenn Pepe              Center Moriches Middle School  
                                  311 Frowein Road  
                                  Center Moriches, NY 11934  
                                  (631) 878-2519

Jeremy Thode            Center Moriches High School  
                                  311 Frowein Road  
                                  Center Moriches, NY 11934  
                                  (631) 878-0092

### **ROLE OF DISTRICT ADMINISTRATORS**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity/gender expression or sex.
2. Reinforce and extend the indicated responsibilities of the principals and make them applicable to the school system for grades K-12.
3. Recommend to the Board of Education appropriate policies and actions to achieve optimum conditions for positive learning.
4. Develop and implement an effective “Code of Conduct and Responsibilities” supportable by students, parents, staff and community.
5. Demonstrate desirable standards of behavior through personal example.
6. Develop supportive and pro-active relationships with local law enforcement agencies.
7. Work with building administrators in enforcing the Code and ensure that all cases are resolved promptly and fairly.
8. Address personal biases that may prevent equal treatment of all students.
9. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.

### **ROLE OF BOARD OF EDUCATION**

As elected officials responsible for the school system, the Board of Education is responsible to promulgate the policies and regulations needed to implement and enforce this code. The Board will adopt and annually review the effectiveness of the District’s Code of Conduct and Responsibilities and its implementation. Board of Education members are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with the law and District policies, rules, and regulations.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.
5. Adopt and review at least annually the District's Code of Conduct and Responsibilities to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful,

- courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  8. Address personal biases that may prevent equal treatment of all students and staff.

### **CODE OF CONDUCT GENERAL PROCEDURES**

#### A. Authority

The Superintendent of Schools, the administrative staff and teaching staff, under the direction of the Superintendent, shall enforce all provisions of the law and all rules and regulations relating to the management of the schools and other educational, social, and recreational activities under the direction of the Board of Education (derived from §1711 of the New York State Education Law).

#### B. Procedures

1. Referral and Investigation: Building administrators shall be primarily responsible for the initiation of investigations, assignment to special instructional areas or detention as appropriate, the preparation and maintenance of referral, follow-up record, and initiating prompt contact with the parents or guardian. The referring teacher will be informed of action taken.
2. Parental Conference: Parental conference involving the student, the parents and the administrator may be requested by either the administrator or the parents. These will be informal in nature and directed toward resolving reported problems.
3. Suspension from Attendance: The principal may suspend a student from attendance for up to five (5) school days for commission of any offense. Such suspension will only occur following an immediate investigation with a finding of evidence indicating that the student did indeed commit such offense. During the course of the investigation, the student will be made orally aware of the charges. The student will be provided with an opportunity to contact a parent or guardian. Students externally suspended must remain in school under the supervision of administration until close of the school day or until a parent can pick the student up. A student who is found guilty of Class One, Class Two or Class Three offense may be subject to a long-term suspension for more than five days as a result of a Superintendent's Hearing.
4. Student Rights Regarding Suspension:
  - A. The student will be given oral and written notice of the suspension and its length of duration.
  - B. The student will be notified of the reason for being suspended as soon as is reasonably practicable.
  - C. The student will have the opportunity to state his/her side of the matter either orally or in writing as soon as reasonably practicable.

- D. The student, upon request, will receive in writing an explanation for the reasons for suspension as soon as reasonably practicable.
- E. The parent/guardian of the student will be notified in writing of the reasons for the suspension and that they have the opportunity to request an informal conference as soon as is reasonably practicable.
- F. Students externally suspended must remain in school under the supervision of administration until the close of the school day or until a parent can pick the student up.

5. Notification of Authorities:

In the event that there is or appears to be a situation regarding violation of state or federal statute (a crime), the principal will confer with the Superintendent and immediately notify the appropriate law enforcement agency and local officials. The student and parents will be notified of such contact.

### **DISCIPLINARY STRUCTURE**

If a school discipline code is to be effective in reducing discipline problems, student misbehavior must be organized into categories from minor to major with appropriate disciplinary responses. Through promulgation of such information, students, parents and school staff learn which student behaviors are unacceptable and which responses will be utilized as a consequence. By pairing these misbehaviors with sound disciplinary responses, the school ensures that its disciplinary practices and procedures are consistent, reasonable, fair and equitable.

Factors to be considered in disciplining a student:

- A. The student's age.
- B. The nature of the offense and the circumstances that led to the offense.
- C. The student's prior disciplinary record.
- D. The effectiveness of other forms of discipline.
- E. Information from parents, teachers and/or others, as appropriate.
- F. Other extenuating circumstances.

Disciplinary procedures regarding students with disabilities and students who are suspected of having a disability under the Individuals with Disabilities in Education Act are set forth in a later section of the Code of Conduct and Responsibilities.

In accordance with the above, disciplinary infractions are categorized into three levels. At each level, a sample group of misbehaviors is listed. All examples, procedures and disciplinary responses are applicable to and from school, during school, on school buses and bus stops, during school-sponsored field trips, extracurricular activities, school sponsored activities, whether taking place on or off school premises, including those on weekends and/or evenings and any incidents that occur off school grounds that disrupts the educational process. The vast majority of Center Moriches Schools' students are responsible and well-behaved citizens and follow the rules and regulations in appropriate fashion.

## **PROHIBITED STUDENT CONDUCT**

### **PHILOSOPHY**

This Code of Conduct and Responsibilities is an expression of the positive student behaviors the Board of Education, the staff and the community hopes to instill in our young people. In order to foster the best possible learning environment, the Code of Conduct and Responsibilities will help to provide a structure whereby students can receive help from appropriate sources when conduct becomes unacceptable. It is also the intent of this policy that it can be used and enforced when a student's behavior becomes unacceptable. The discipline to be imposed shall depend on the requisite class the misconduct is delineated under. While any violation of this Code of Conduct and Responsibilities may subject a student to any permissible penalty hereunder, teachers and administrators shall generally impose appropriate discipline based on the requisite class and the severity of the offense.

It should be understood by all that the Code of Conduct and Responsibilities hereto set forth will be enforced by the Board of Education and that the Board of Education expects that it will be supplemented and/or clarified at the building level at all stages of the "rules and regulations". It is especially important that even our youngest students understand the consequences of unacceptable behavior so that positive behavior is established at an early age.

At all stages of the "Code of Conduct and Responsibilities", the district will attempt to provide help for the student to modify his/her behavior. Sources of assistance can be internal (ex., administrative, guidance, psychologist, staff members) or external (ex., department of social services, department of mental hygiene, etc.)

### **CLASS ONE OFFENSES: EXAMPLES**

The resolution of class one offenses will be the initial responsibility of the teacher observing the infraction. Parents will be notified by teachers of repeated offenses, and referrals will be made to administration. Examples of inappropriate behaviors include, but are not limited to:

1. Inappropriate language or gestures in school toward students or staff.
2. Lateness to class.
3. The unauthorized display or use of personal electronic devices, such as, but not limited to, radios, cell phones, iPods, cameras, laptops, and tablets.
4. Middle School: Use of electronic communication devices during school hours. High School: Use of electronic communication devices in academic areas during school hours without permission of the Building Principal or his/her designee. The school has the right to confiscate such an item until a parent can come to the school and pick it up.
5. Unauthorized absence or aiding a student's unauthorized absence from class (cutting classes).
6. Unauthorized lateness to school.

7. Unauthorized presence in any area.
8. Loitering in hallways during school and after school.
9. Leaving class without a pass from the teacher.
10. Sent out of class for inappropriate behavior.
11. Failure to comply with the school dress code.
12. Engaging in any form of academic misconduct, including, but not limited to, plagiarism, cheating, copying, altering record, forgery (including that of a parent's or District employee's signature), assisting another student in engaging in academic misconduct.
13. Unpreparedness for class.

### **CLASS TWO OFFENSES: EXAMPLES**

Class two offenses shall be reported immediately to building administration, which in turn shall notify District administration where appropriate. The student will be immediately removed from instruction and the matter will be investigated and appropriate action initiated. The parent/guardian will be promptly notified in writing and/or by telephone. A conference may be held at the school's or parent's request.

Examples of inappropriate behaviors that constitute Class Two offenses include, but are not limited to:

1. Disruptive behavior in class, lunch, between periods, on the bus, or at the bus stop.
2. Failure to follow school rules as specified in the student handbook, Code of Conduct and Responsibilities, or specific directions of staff.
3. Disorderly conduct – any behavior that disrupts the educational process, including, but not limited to: running in hallways; making unreasonable noise; using language or gestures that are profane, lewd, vulgar or abusive; obstructing vehicular or pedestrian traffic; and/or engaging in any willful act which disrupts the normal operation of the school community.
4. Failure to serve teacher detention.
5. Insubordination – failing to comply with the reasonable directions of teachers, teacher aides, monitors, security personnel, bus drivers, school administrators or other school employees or otherwise demonstrating disrespect..
6. Lying to school personnel.
7. Possession and/or use of fireworks smoke or stink bombs, percussion caps, etc.
8. Repeated class one offenses.
9. Smoking and/or vaping on school grounds, at school-sponsored events, whether on or off school grounds or while under school supervision.
10. Possession and/or use of tobacco-based products
11. Truancy/Failing to sign into school.
12. Unauthorized use of school equipment
13. Mock fighting and/or horseplay.
14. Leaving school property without permission.
15. 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.

16. Improper Use of Technology, including, but not limited to, videotaping student interactions and/or fights
17. Activating an AED Alarm without a reasonable basis for same.
18. Trespassing – unauthorized presence upon school premises, other than to the location to which the student is assigned with authorization from proper school authorities.
19. Membership or affiliation with any gang, fraternity, sorority or secret society.
20. Exhibiting evidence of membership or affiliation with any gang, fraternity, sorority or secret society.
21. Improper parking and/or operation of a motor vehicle on school property.
22. Gambling.

### **CLASS THREE OFFENSES: EXAMPLES**

Class Three offenses shall be reported immediately to building administration who, in turn, shall notify District administration. The student will be immediately removed from instruction and the matter will be investigated and appropriate action initiated. The parent/guardian will be promptly notified in writing and/or by telephone. A conference may be held at the school or parent's request. A contract outlining the conditions of a student's return following a suspension may be required at the request of administration. Under appropriate circumstances, the police may be notified. Additionally, a Behavior Intervention Plan may be implemented with the student's guidance counselor and a PINS petition may be requested by the building administrator.

Examples of inappropriate behaviors that constitute Class Three offenses include, but are not limited to:

1. Activating a fire alarm without a reasonable basis for same, and/or initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
2. Threatening/Assaulting/Cursing at a Staff Member
3. Making a bomb Threat
4. Disorderly and/or disruptive behavior
5. Gross Insubordination
6. Harassment which includes 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 well-being, or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, as an actual or perceived basis for treating another in a negative manner.
7. Bullying (which is subsumed under the term "harassment") is understood to be a hostile activity which harms or induces fear through the threat of further aggression.



Bullying may be premeditated or a sudden activity; it may be subtle or easy to identify, done by one person or a group.

8. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
9. Cyberbullying – Cyberbullying is the use of electronic information and communication devices such as e-mail, instant messaging, mobile/camera phones, and defamatory websites to bully or otherwise harass an individual or group through personal attacks or other means.”
10. Using social networking websites such as blogs, Myspace, Snapchat, Instagram, Twitter, Facebook, YouTube, chat rooms or instant messaging to convey threats, derogatory comments, pornographic or inappropriate pictures or inappropriate written material about students or school personnel.
11. Discrimination, which includes an act of prejudice against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including identity and expression) or sex, to deny rights, equitable treatment or access to facilities available to others.
12. Possessing, consuming, offering, manufacturing, 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, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs”, which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
13. Possession and/or use of a weapon and/or firearm.
14. Displaying what appears to be a firearm or weapon.
15. Threatening to use any firearm or weapon.
16. Threatening to commit an act of violence upon any person.
17. Possession and/or use of a chemical spray device
18. Repeated class two offenses
19. Selling, using, possessing or distributing drug paraphernalia, or tobacco/tobacco-related paraphernalia.
20. Vandalism
21. Computer Vandalism
22. Sale, distribution and/or sharing of over-the-counter or prescription medication
23. Hazing, which means committing an act against a student or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, as a precondition for the student to be initiated into or affiliated with a student organization, or for any other comparable improper purpose. The term “hazing” includes, but is not limited to: (a) any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student’s willingness to participate, that has the potential to endanger the mental or physical health or safety of that student; (b) any hurtful, aggressive, destructive or disruptive behavior that subjects a student to risk of harm or that adversely affects the mental or physical

- health or safety of that student; (c) the coerced use or abuse of tobacco, alcohol, drugs or other illegal substances; (d) any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies and regulations; and/or (e) an induction, initiation, or membership process involving harassment.
24. Fighting
  25. Disrupting the educational process
  26. Possession, sharing, use, or sale of obscene material
  27. Committing an act of violence (such as hitting, kicking, punching, and scratching) or attempting to do so upon other students, teachers, administrators, or other school personnel or any other person lawfully on school property.
  28. Intentionally damaging or destroying the personal property of a student, teacher, teacher aide, monitor, bus driver, security personnel, school administrator, other District employee or any person lawfully on school property, including graffiti or arson.
  29. Intentionally damaging or destroying school district property.
  30. Inappropriate public sexual contact.
  31. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  32. Using slurs based upon race, ethnicity, national origin, religion, gender (identity and expression), sex, sexual orientation, or disability.
  33. Engaging in any conduct that endangers the safety, morals, physical or mental health or welfare of themselves and/or others.
  34. Defamation, which includes, but is not limited to, 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.
  35. Distribution or electronic transmission of photographs, videos, or any other image or other recording that shows exposed private parts of the body in a lewd or indecent manner.
  36. Engaging in any misconduct provided for in this Code of Conduct while on a school bus or school-sponsored transportation.
  37. Engaging in off-campus misconduct that endangers the health and safety of students or staff within the school or interferes with or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such off-campus misconduct include, but are not limited to: cyberbullying; threatening or harassing students or school personnel in person, through any means off-campus, including by mail, over the phone or via other electronic mediums (i.e., internet, etc.); using electronic mediums, including but not limited to, social media, message boards, text messages, and/or group chats to convey threats, or derogatory comments or post pornographic or inappropriate pictures of students or school personnel.
  38. Possessing, consuming, selling, offering, manufacturing, distributing, or exchanging cigarettes, cigars, pipes, chewing or smokeless tobacco or smoking/tobacco/nicotine substitutes, electronic cigarettes, vaporizers, or vapor pens/devices, liquid nicotine, or other device that can be used for smoking and/or vaping. Electronic cigarette and

vapor pen shall include any refill, cartridge, and any other component of an electronic cigarette or vapor pen.

### **PENALTIES AND PROCEDURES**

Students who are found to have violated the District's Code of Conduct and Responsibilities 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, deans, administrators, principal, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, deans, administrators, principal, superintendent
4. Detention – teachers, deans, administrators, principal, superintendent
5. Suspension from transportation – principal or principal's designee, superintendent
6. Suspension from athletic participation – coaches, principal or principal's designee, superintendent
7. Suspension from social or extracurricular activities – activity director, principal or principal's designee, superintendent
8. Suspension of other privileges – principal or principal's designee, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal or principal's designee
11. Short-term (five days or less) suspension from school – principal, superintendent, board of education
12. Long-term (more than five days) suspension from school –superintendent, board of education
13. Permanent suspension from school – superintendent, board of education.

### **THE SECONDARY SCHOOL IN-SCHOOL SUSPENSION ROOM (ISS)**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the secondary principal to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. Instructional assignments will be provided by the student's teachers during the time that he/she is in ISS. The student is to also meet with his/her teachers prior to serving ISS to get assignments. The student must utilize this time in a productive manner, making up the work missed while in the detention center.

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.

The rules of Secondary School ISS are as follows:

1. Students must come prepared to work for the entire day.
2. Students will not be allowed out of the ISS room except for emergencies, to get lunch, or to use the restroom.
3. Students must bring all their books and supplies with them at the start of the day.
4. Students are prohibited from participating in all extracurricular activities and sporting events for that day.
5. The rule of silence will be in effect for the entire day, except for teacher-student interaction.
6. Disruptive and/or disorderly behavior in ISS will be subject to an Out-of-School Suspension. The student must make-up the day in ISS on the following day.
7. Assignments from regular classroom instructors will be provided. All assignments must be completed by the end of the day to be considered by the subject area teachers.
8. A student who does not produce work while in ISS will:
  - a. Have their period in ISS extended with the possibility of additional work or
  - b. Be subject to being suspended out of school.
9. In the event that a student is absent on the day that he/she is assigned to ISS, the student will report to ISS the next day.

### **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 principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or the Superintendent or their designees.

In such cases, the student's parents will be provided advanced notification and 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 §3214. However, the student and the student's parent will be provided with every reasonable opportunity for an informal conference with the Administration to discuss the conduct and the penalty involved.

### **TEACHER DISCIPLINARY ACTION**

**Removal of Disruptive Student:** 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. However, if a student continually disrupts class,

the teacher may direct students to a supervised area such as the administrator's office. The teacher will contact the main office when sending a student out of class.

**Removal of a Substantially Disruptive and/or Disorderly Student:**

*When a student's behavior becomes substantially disruptive and/or disorderly to the educational process or substantially interferes with a teacher's authority where a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules, a classroom teacher may remove a disruptive and/or disorderly student from class for up to two days per incident. The removal from class applies to the class of the removing teacher only.*

A substantially disruptive and/or disorderly student will be sent to the administrator's office by the teacher with a referral form stating the purpose for the removal from class. The student will be placed in an Interim Alternative Educational Setting (IAES) for the remainder of the class period.

The following procedures will occur with regard to a student removal:

1. Teacher completes referral and meets with the administrator to discuss circumstances regarding removal as soon as possible, but no later than the end of the school day.
2. The parents of the student will be notified of the reason for the removal. The parents will be informed of their right to an informal meeting with the administration.
3. Should an informal meeting take place, the teacher who requested the removal would be required to attend.
4. The informal meeting will be held within 24 hours of student's removal, but may be extended by mutual agreement of the administrator and parent.

The administrator may overturn the removal of the student from class if the administrator finds any one of the following:

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

The administrator may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 24-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the administrator makes a final determination, or the period of removal expires, whichever is less.

Any disruptive and/or disorderly student removed from the classroom by the classroom teacher shall be provided with alternative educational materials until he or she is permitted to return to the classroom.

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

## **OUT OF SCHOOL SUSPENSION**

### **1) Short term (five days or less) suspension**

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within ten (10) business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within thirty (30) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within thirty (30) calendar days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) calendar days of the decision.

## 2) **Long term (more than five days) suspension**

When the Superintendent or principal determines that a suspension for more than five days may be warranted, he or she shall give prompt notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within ten (10) business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) calendar days of the Board's decision.

When a student is serving an out-of-school suspension, such student is prohibited from entering upon the school premises and/or school building during the period of the suspension from school without authorization or prior permission from the Superintendent or his designee.

## 3) **Permanent Suspension**

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

## 4) **Minimum Periods of Suspension**

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

Any student who repeatedly is substantially disorderly and/or disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. "Repeatedly" means the student has been removed from the classroom by teacher(s) on four or more occasions during a semester. If the proposed penalty is a suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's 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 who bring to or possess a firearm or weapon to school

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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 §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 to or possessing a firearm or weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or weapon on school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian 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/guardian 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 and/or firearm.

## **REPORTING VIOLATIONS**

All persons are expected to promptly report violations of the Code of Conduct and Responsibilities to a teacher, guidance counselor, or to administration. Any person observing a person possessing a weapon and/or firearm, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building administration or the Superintendent of Schools.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct and Responsibilities 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 and/or firearm, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The administration 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 administration 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 violation of the Code of Conduct and Responsibilities that constituted a crime.

### **DRESS CODE**

#### Students:

Students and their parents have the primary responsibility for acceptable student dress and appearance. A student's dress shall be safe, appropriate and not disrupt or interfere with the educational process. Students may not wear tank tops, have exposed abdominal areas, or have attire with inappropriate sayings or figures (e.g., statements with sexual or biased connotations, drug or alcohol advertisements, etc.). At no time should underwear be visible. Pants are to be worn at the waist. Skirts, shorts and skorts are to be at least mid-thigh in length. Students are not allowed to wear hats, hoods, or bandanas inside the building. Note: students MAY NOT wear any jewelry in physical education classes, including pierced earrings or other jewelry piercing one's anatomy. Students are not allowed to wear headgear of any sort unless for medical or religious reasons. Extremely brief garments such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and back), and see-through garments are not appropriate. Footwear must be worn at all times. No items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender (including identity and expression), sexual orientation or disability will be permitted. Items that promote and endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal violent activities will not be permitted.

Each building's administrator shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline up to and including out-of-school suspension. Parents will be notified by phone of such violations.

#### Staff:

Staff should be dressed appropriately with respect to assignments and tasks to be carried out throughout the building.

## **REMEDIAL INTERVENTION/OUTSIDE RESOURCES**

### **1. Counseling**

The Pupil Personnel Team shall handle all referrals of students to counseling.

### **2. PINS Petitions**

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct, which makes the student incorrigible or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana or other illegal substances in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

### **2. Juvenile Delinquents and Juvenile Offenders**

The Superintendent is required to refer the following students to the County Attorney for a

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

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **ALTERNATIVE INSTRUCTION**

In the event of their child's prolonged absence from school for medical reasons (more than 5 days), it is the parent's responsibility to contact the guidance office to arrange for homebound instruction.

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

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the District's student Code of Conduct, and/or to temporarily remove a student with disabilities from his or her current placement because

maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities possess 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. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

This Code of Conduct and Responsibilities 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. Definitions**

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

*Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

*Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. § 812(c)).

*Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:

For more than 10 consecutive school days; or

For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

*Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

*Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable

him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

*Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

*Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education or 504 team as determined by the parent and the district.

*Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

*School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.

*Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

*Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.

*Suspension* means a suspension pursuant to §3214 of New York's Education Law.

*Weapon* means the same as the term "dangerous weapon" under 18 U.S.C. §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

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

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

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the

Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

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

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

- Carries or possesses a weapon to or at school, on school premises or to a school function, or
- 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 under the district's jurisdiction, or
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

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

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

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

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

behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

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

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

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

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

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

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

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

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

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

#### **G. Manifestation Review**

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

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

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

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

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

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

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

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

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

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

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

School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement. In addition, during such periods of suspension or removal, the District will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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

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

#### **I. Students Presumed to Have a Disability for Discipline Purposes**

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

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

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

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



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

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

#### **J. Expedited Due Process Hearings**

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

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

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

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

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

Consistent with its authority under applicable law and regulations, the District will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will ensure that copies of the special education and

disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

### **STUDENT LOCKERS, DESKS AND OTHER SCHOOL STORAGE PLACES**

Students' lockers, desks and other such spaces at school are the property of the school district and students have no expectation of privacy in regard to these areas. Students may be questioned by school officials at any time without the presence or consent of the student's parent.

### **VISITORS TO THE SCHOOL**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and sign in at the lobby desk at the high school or the main office in the elementary school upon arrival at the school. There they will be required to sign the visitor's register.
3. Visitors attending school or authorized community functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the building administration. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct and Responsibilities.

### **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 of Conduct and Responsibilities, "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 of Conduct and Responsibilities 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.

#### A. **Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage, threaten 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, sex, gender (including identity and expression), 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, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances (or any synthetic versions, whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons and/or firearms 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.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoking a cigarette, cigar, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or using chewing or smokeless tobacco.

#### 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. A trespass letter may be issued to the person prohibiting from entering school property.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law §75 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.

### C. Enforcement

**The building administration shall be responsible for enforcing the conduct required by this code.**

When the building administration 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 administrator shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The administrator 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 administrator 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, within 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.

## **CODE OF CONDUCT FOR SPECTATORS**

### A. Statement of Philosophy

The Center Moriches School District encourages the attendance of students, parents and interested members of the community at all athletic events. We further encourage their active support of these programs by participating in those activities, which lend themselves to stimulating student achievement, good sportsmanship, and school spirit. These activities should be positive in nature and within the guidelines of the Section XI Code of Conduct. It is not our intent to reduce the involvement of spectators or the enjoyment of those who participate. Rather, it is our goal to create an atmosphere

which is conducive to healthy athletic competition, is safe for those involved, and which provides the ideals of sportsmanship and sound educational practices.

**B. Spectator Code of Conduct (Violators of this Code are subject to eviction from the site.)**

1. Spectators are an important part of the game and shall at all times conform to accepted standards of good sportsmanship and behavior.
2. Spectators shall at all times respect officials, coaches and players and extend all courtesies to them.
3. Wholesome cheering is encouraged.
4. Stamping of feet, taunting, foul and abusive language, inflammatory remarks, and disrespectful signs and behavior are not acceptable. Violations during a free throw attempt will be penalized by repeating the free throw, if missed. The officials will make this decision.
5. Faculty supervised pep bands are permitted during dead ball time. However, spectator noisemakers or sound devices are prohibited.
6. Spectators shall observe and obey the rules and regulations of the school concerning smoking, food and soft drink consumption, and use of lavatory facilities and parking of cars.
7. New York State law prohibits alcoholic beverages of any kind on school property; the law further prohibits any person under the influence of alcohol to be on school property.
8. Spectators shall respect and obey all school officials, supervisors, and police at all athletic contests.

**DISSEMINATION AND REVIEW**

**A. Dissemination of Code of Conduct**

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

1. Providing copies of an age appropriate, written in plain language summary of the Code of Conduct and Responsibilities to all students at a general assembly to be held at the beginning of each school year.
2. Making copies of the Code of Conduct and Responsibilities available for review by all district stakeholders.
3. Mailing a summary of the Code of Conduct and Responsibilities 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 new employees with a copy of the current Code of Conduct and Responsibilities when they are first hired.
5. Providing all current teachers and other staff members with a copy of the Code of Conduct and Responsibilities and a copy of any amendments to the code as soon as practicable after adoption.

**B. Review of Code of Conduct and Responsibilities**

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

Before adopting any revisions to the Code of Conduct and Responsibilities, the Board will hold at least one (1) public hearing at which school personnel, parents, students and any other interested party may participate.

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

Adopted: 05/16/18