



**CODE  
OF  
CONDUCT  
2017**

**HAUPPAUGE PUBLIC SCHOOLS  
CODE OF CONDUCT 2017  
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# Hauppauge Public Schools

## I Introduction

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

The district has a long-standing set of expectations for conduct on school property and at school functions/or in conjunction with school sponsored activities, on school property and off-property events or functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property/or in conjunction with school sponsored activities, on school property and off-property events or functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property, at school functions, or within the school zone.

The District Code of Conduct is linked to Board of Education policies and the District Safety Plan.

- Students enrolled in BOCES programs will be subject both to the Code of Conduct of the home school and BOCES program.
- Students enrolled in private and parochial schools are subject to the Code of Conduct when transported by district provided school bus.
- Home schooled students are subject to the Code of Conduct when on school property for District provided services.
- Summer School and Summer Enrichment students, regardless of home district affiliation, are bound by the Code of Conduct for time of enrollment in programs.
- Hauppauge Public Schools and BOCES will share results of any violations of the Code of Conduct. Hauppauge Public Schools and BOCES may take punitive action separately or in concert with each other.
- Students attending trips or events not directly supervised by school personnel, yet conducted as part of the school program, are bound by the Code of Conduct.

When a criminal violation of state or federal law occurs, a referral may be made in addition to school punitive action imposed by the Code of Conduct. Local police agencies will determine violation of law and required criminal prosecution.

The District may institute a third party proceeding for violations of the Code of Conduct when either or both sides are unable or unwilling to proceed.

## II Definitions

For purposes of this Code, the following definitions apply:

**Disruptive Student** is defined as an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Parent** is defined as parent, guardian or person in parental relation to a student.

**School Property** is defined as in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

**School Function** is defined as any school-sponsored, extra-curricular event or activity on or off school property approved or sanctioned by the school district.

**School Zone** is defined as areas such as, but not limited to:

- Away interscholastic practices or contests, held at a host school or third party location.
- Exercises or contests held at third party venues.
- Sites of school field trips.
- Social functions, such as award dinners or proms.

**Violent Student** is defined as a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits an act of violence while on school property or at a school function.
- Possesses a weapon, while on school property or at a school function.
- Displays what appears to be a weapon while on school property or at a school function.
- Threatens to use a weapon or item perceived as a weapon while on school property or at a school function.
- Knowingly and intentionally damages or destroys the personal property of any school employee or a person on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.
- Knowingly and intentionally damages or destroys personal property on another person who is on school property or at a school function.

**Public School Fraternity, Sorority, Secret Society or Gang** is defined as an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school, on the basis of the decision of its membership rather than on the free choice of a student, who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Girl Scouts, DeMolay, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

**Hazing** is defined as 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:

1. 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.
2. 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.
3. Recruiting for new or potential members, sharing or distributing leaflets or other information about group, taking any action on school property or within the school zone that would be considered a step toward acceptance or membership in the prohibited group.

**Bullying** is defined as repeated over time negative actions against a student on the part of one or more other persons. The bullied student has difficulty defending him/herself.

This definition includes three important components:

1. Bullying is aggressive behavior that involves unwanted negative actions.
2. Bullying involves a pattern of behavior repeated over time.
3. Bullying involves an imbalance of power or strength.

Types of Bullying:

1. Verbal bullying including derogatory comments and bad names.
2. Bullying through social exclusion or isolation.
3. Physical bullying such as hitting, kicking, shoving, and spitting.
4. Bullying through lies and false rumors.
5. Having money or other things taken or damaged by students who bully.
6. Being threatened or being forced to do things by students who bully.
7. Racial bullying.
8. Sexual bullying.
9. Cyber bullying (via cell phone or Internet).

**Cyber Bullying** is defined as any harassment that occurs via the Internet, cell phones or other devices or when communication technology is used to intentionally harm others through hostile behavior such as sending text messages and posting derogatory comments on the Internet.

The National Crime Prevention Council defines cyber bullying as “the process of using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person.”

Cyber bullying could be limited to posting rumors or gossips about a person on the Internet bringing about hatred in other’s minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them.

Cyber bullying can take many forms. The following are just a few examples:

- Making fun of another user in an Internet chat room. Harassing a user over an instant messaging session.
- Posting inappropriate messages on a user's Facebook or MySpace page or any similar social networking websites.
- Circulating rumors about someone on social networking websites.
- Publishing lewd comments about another person on a personal blog.
- Posting unflattering pictures of another user on the Internet.
- Spamming another user with unwanted e-mail messages.
- Sending threatening or provocative e-mails.
- Repeatedly calling another person's cell phone.
- Sending unsolicited text messages to another user.
- Spoofing email or social media accounts by creating “false” accounts in another person’s name.
- Spoofing caller ID or disposable email addresses to create false messages or misdirected messages.
- Email bombs or text bombs.

**Sexting/Sex Texting** is defined as the slang term for the use of a cell phone or other similar electronic device to distribute pictures or video of sexually explicit images. It can also refer to text messages of a sexually-charged nature. The transmission or retransmission of even a single photo or videotape, the content of which may be considered pornographic or child pornography and subject to school or criminal sanctions.

**Illegal Substance** is defined as inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, bath salts, any substances commonly referred to as “designer drugs,” synthetic cannabis, similar classifications of supplements or chemical compositions not intended or approved for human consumption, and prescription medications possessed or consumed by an individual for whom no prescription has been issued.

**Tobacco** is defined as cigarettes, cigars, pipes, chewing or smokeless tobacco, electronic cigarettes and cigars, snuff, hookah, and herbal cigarettes.

**Alcohol** Ethyl alcohol, or ethanol, is an intoxicating ingredient found in beer, wine, and liquor. Alcohol is produced by the fermentation of yeast, sugars, and starches. It is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream.

**Alcohol Containing Products** Beer, Wine, Liquor. Commercially prepared or homemade product. Products can also be prescription or non-prescription products such as cough syrup or mouth wash. Alcohol containing products can be in liquid or solid, or un-diluted form (Alcohol).

**Vapor Delivery Devices** are defined as e-cigarettes, e-cigars, atomizers and cartomizers.

**Weapon** is defined as a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It includes any other gun, BB gun, pistol, revolver, shotgun, ammunition, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or

other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Other prohibited items in school zone:

- Paintball guns.
- Airsoft guns.
- Fireworks.
- Sling shots.
- Archery equipment- except school authorized.

**Dignity for All Students Act** provides public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, on a school bus and/or at a school function. Required updates to reflect the Dignity for All Students Act have been incorporated into Board of Education Policies and the Code of Conduct. The Dignity for All Students Act took effect on July 1, 2012.

**Equal Opportunity and Nondiscrimination** The Board of Education, its officers and employees, shall not discriminate in any district educational activity or employment on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, marital status, sex, age, sexual orientation, gender identity or expression, and disability or predisposing genetic characteristic. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

### **III Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. To conduct themselves in a manner not to disrupt the educational environment, either by personal actions or through accidental or intentional electronic communications.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to appropriately control the expression of their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions in conjunction with school-sponsored activities, on school property and in the school zone, as per the Code of Conduct.
10. Accept responsibility for their actions.
11. Conduct themselves appropriately 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.

12. Report violations of school rules that affect the health and welfare of themselves or others. Reports are to be made to a teacher, administrator or via the School Watch Hotline.
13. Be responsible for the safeguarding of their personal property, and ensure that it remain in their direct control or secured in a locker. Personal vehicles are to be secured and valuables left out of sight.

**\*SAFE HARBOR PROVISION** – a student may approach a school official and voluntarily surrender an object, the possession of which is prohibited by the Code of Conduct, provided the item is one that the student could lawfully possess off school grounds (zone) and is not a firearm. If the student voluntarily surrenders such an object, then the student would not be subject to disciplinary action. The parent/guardian will make arrangements to pick up the object from a school administrator.

The safe harbor provision does not apply if a search is ongoing at or in the school zone.

#### **IV Essential Partners**

##### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their child(ren) to school ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their child(ren) are dressed and groomed in a manner consistent with the student dress code.
6. Help their child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their child(ren) understand them.
8. Convey to their child(ren) a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their child(ren)'s friends.
10. Help their child(ren) deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

Parents are expected to report violations of school rules that affect their child(ren) or other children. Reports may be made to a teacher, administrator or via the School Watch Hotline.

**Hauppauge Schools *School Watch Hotline* (24 hours): (631) 548-8232**

##### **B. Teachers**

All district 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 or sex identity or expression, which will strengthen students' self-concept and promote confidence to learn.

2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state laws.
6. Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students.
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

#### C. Guidance Counselors

All district guidance counselors 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 or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state laws.
7. Provide information to assist students with career planning.
8. Encourage students to benefit from the curriculum and extracurricular programs.
9. Make known to students and families the resources in the community that are available to meet their needs.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces.
11. 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.
12. Address personal biases that may prevent equal treatment of all students.

#### D. Principals/Administrators

All district principals and administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state laws.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of, and student participation in, appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

#### E. Other School Personnel

All district personnel 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 or sex.
2. Maintain confidentiality in accordance with federal and state laws.
3. Be familiar with the code of conduct.
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.

#### F. Dignity Act Coordinator

The Dignity Act Coordinator is 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. 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 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.

Principals have been designated as Dignity Act Coordinators for each building.

#### G. Superintendent

The Superintendent is 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. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state laws.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

#### H. Board of Education

The Board of Education is 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 federal and state laws.
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. On an annual basis, evaluate the effectiveness, fairness, and consistency of the implementation of the district's Code of Conduct prior to yearly adoption.

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.

## **V Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school. Students and their parents have the primary responsibility for acceptable student dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be appropriate and meet health and safety standards that do not interfere with the learning process. Any form of dress or hairstyle which is considered contrary to good hygiene or which is distracting or disruptive in appearance will not be permitted. Students may be asked to secure other clothing if it is deemed necessary.
2. Recognize that extremely brief garments are inappropriate and unacceptable. This includes but is not limited to the following: backless tops, single shoulder tops, tube tops, halter tops, spaghetti straps, extremely brief shirts/pants, exposed midriffs, plunging necklines (front and/or back), skirts and/or skorts above mid-thigh length, shorts that are excessively revealing, and net/mesh garments. Tank tops are permissible if they do not have spaghetti straps, plunging necklines or expose the midriff or undergarments.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Open platform shoes or other footwear which are a safety hazard are not permitted. Bare feet are not permitted.
5. Not include the wearing of all forms of headgear and/or sunglasses in the school building except for a medical or religious purpose during the regular school day. Examples of headgear included but are not limited to: baseball hats, visor caps, derbies, cowboy hats, watch or ski cap, jacket hoods, scarves, bandanas, dew rags, head wraps, sweat bands.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, marital status, sex, age, sexual orientation, gender identity or expression, and disability or predisposing genetic characteristics.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not promote and/or represent any gangs or gang membership.

Uniforms issued for school-sanctioned activities are exempt from the dress code requirements.

Each building principal or his or her designee 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.

## **VI Prohibited Student Conduct**

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Being unreasonably noisy.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing:
  - Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - Students are not permitted in areas of the buildings which are not directly related to the instructional program. These areas include, but are not limited to, basements, storage rooms, emergency stairways, equipment areas, roofs, network and telephone rooms, service tunnels and service corridors.
  - Students while on out-of-school suspensions (OSS) are prohibited from being on school grounds and school zone activities until the start of the school day that they are readmitted to school attendance. Students on OSS who receive permission to return to school property or school zone activities while on OSS may do so with limited and specific permission for the return to school property.
  - Students in possession of unauthorized school district keys will be considered trespassing.
  - Students in possession of duplicated school district keys will be considered trespassing.
  - Students in possession of unauthorized/stolen/found district proximity cards will be considered trespassing.
7. Misuse of computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet accounts, accessing inappropriate websites, or any other violation of the district's acceptable use policy:
  - District computers may only be used with permission.
  - Students may only use assigned passwords.
  - Students must abide by US Copyright restrictions.
  - Unauthorized access to another student's home folder, teacher's home folder or administrative password use, or any unauthorized access to password(s) will be considered computer trespassing.
  - Students must abide by the acceptable use in the *Policy for Computer Networks*.

- Video or still photography in an instructional space taken during the course of academic instruction time may only be completed with the permission of the teacher/instructor/supervisor.
- Students who transmit or post video or still photography that was taken in the school zone are reminded that they are subject to the Code of Conduct regulations as to content, appropriateness as to and the usage of the transmitted images or videos.
- For such conduct that occurs off school property, disciplinary action may be imposed where such conduct may adversely affect the educational process or endanger the health, safety or morals of pupils within the school system.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness, or missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying, including graffiti or arson, the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property.
7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.

3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
5. Harassment, which includes a sufficiently severe action or persistent, pervasive pattern of actions or statements directed at an identifiable individual or group, which are intended to be, or which a reasonable person would perceive as, ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
8. An induction, initiation or membership process involving harassment.
9. Selling, using, distributing or possessing obscene material.
10. Sending or retransmission of pictures/videos that are considered sexting.
11. Using vulgar or abusive language, cursing or swearing.
12. Possession of or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco, electronic cigarettes, electronic cigars, snuff, hookah, herbal cigarettes and possess/sale/trade/ giving away these items are prohibited. Electronic cigarette and electronic cigar oils, original or adulterated formulations, atomizers and cartomizers are prohibited in the school zone. (Commercially prepared or homemade devices.)
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages and products, over the counter medications with a high alcohol content, items such as mouthwash/rinse, patent or homeopathic medications that contain alcohol or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, wax-BHO (butane hash oil), dab pipes/oil pipes/dab rigs, THC edibles, all THC based products, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs." Synthetic cannabis may not be consumed or possessed by students in the school zone. Similar classifications of supplements or chemical compositions not intended or approved for human consumption are prohibited in the school zone. Powdered caffeine and Bath salts are prohibited. Possession and/or consumption, sale, trade, or give away of prescription medications in violation of prescription or laws regarding consumption/sale/sharing of these medications are prohibited.

*Consumption of OTC Medications and Supplements in a self-directed situation requires authorization from the school nurse.*

14. Gambling, including any form of wagering, both organized and informal, that involves currency or jeopardizes the health and safety of students.
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Engaging in off-campus misconduct that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or at a school function.

Examples of such misconduct include, but are not limited to:

- a. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text, text/video/spam attacks/subscription to unwarranted websites or mailing services).
- b. Threatening or harassing students or school personnel over the phone or other electronic medium.
- c. Bullying.
- d. Cyber bullying.
- e. Sexting.
- f. Sex texting.
- g. Video or still photography, in areas where individuals have a reasonable expectation of privacy. Examples of areas where a reasonable expectation of privacy exist are: bathrooms, changing rooms, dressing rooms, locker rooms, health office examination rooms. Cameras (Film, Digital, Web Cam, Wireless Communication Device\*, PDA) are not permitted and will be confiscated.

\*Wireless Communication Devices (WCD) are devices that will send or receive: verbal (spoken) communication, text messages/emails/web information/still pictures or graphics/video clips/or any other communication format currently recognized. School is not responsible for the loss, theft, destruction of personal WCD.

17. Interfering with school administration:

- Students may not restrain school officials who are attempting to intervene in student disputes (fights/altercations).
  - Students may not provide false or misleading information about themselves or others as part of a school investigation.
  - Providing false or misleading information regarding a present or future incident that causes a disruption of the educational process. Examples: graffiti on school property or school zone, dropped note or written threat, posting, written note or posting on a social networking website, regarding a bomb, weapon or terrorist event on or in the school or school zone.
18. 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.
  19. 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.
  20. Recruitment of students for membership in secret societies or gangs, sharing or distributing leaflets or other information, taking any action on school property or within the school zone that would be considered a step toward acceptance or membership in the prohibited group.
  21. Any use or abuse of tobacco, alcohol, drugs or other illegal substances.
  22. 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.
  23. Inappropriately using or sharing prescription and over-the-counter drugs. Students are obligated to provide school nurse with all medications to be used during school day, with required parental and physician notes. Exception is if students have permission to be self-directed in the administration of medications, students are still obligated to receive clearance for self-administration of medications from the school nurse. Students that are self-directed for the administration of medications are responsible for: the safeguarding of medication and any device such as lancets, hypodermic needles and auto injectors,

proper disposal of any item such as needles or auto injectors into proper red bag receptacles, reporting promptly to school officials any loss or theft of medications or medical devices. Possession or consumption of medical marijuana is prohibited in the school zone.

24. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner. Sending or retransmission of pictures or videos as defined as sexting.
25. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher. Unauthorized removal of an AED from a public access cabinet, causing 911 report and emergency EMS response. Posting on social media of actual or implied threat, posting in any space in school zone of actual or implied threat, verbal rumor or threat. False activation of a building level emergency number or tampering with or false activation of SAVE Hotline Phones will be considered falsely reporting an incident.
26. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

F. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Unauthorized access to teacher or administrative files, written and/or computer based. Unauthorized access to state issued or agency issued testing materials prior to the test date.
6. Computer trespass.
7. Assisting another student in any of the above actions.

In the event that any or all of the parties involved in any violations to the Code of Conduct are unable or unwilling to proceed to remedy the infractions, the District has the right to institute a third-party proceeding.

## **VII Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property, at school functions, or within the school zone, shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Students failing to report violations of the Code of Conduct that endanger the health and safety of others may lead to disciplinary and/or criminal legal sanctions.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor,

who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution. The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the safety, order or discipline of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

### **VIII Disciplinary Penalties**

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

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

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

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

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

#### **A. Penalties**

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

1. Oral warning – any member of the district staff.

2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent.
4. Detention – teachers, principal, superintendent.
5. Suspension from transportation – bus driver (with district or contractor dispatch approval), principal, director of transportation.
6. Suspension from athletic participation – coaches, principal, superintendent and athletic director.
7. Suspension from social or extracurricular activities – activity director, principal, superintendent.
8. Suspension of other privileges – principal, superintendent, includes, but not limited to, school events, school clubs, interscholastic activities, school trips, class trips, graduation ceremonies and proms.
9. Invalidation of exams. Violations of testing requirements may invalidate exams. Examples: New York State Education Department Regents Examinations, and examinations such as the SAT, ACT, AP, IB. Each agency will set the requirements and guidelines for the administration and supervision of exams. Each agency will set the reporting requirements for review and invalidation of exams.
10. In-school suspension – principal, superintendent.
11. Removal from classroom – teachers, principal.
12. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education.
13. Long-term (more than five days) suspension from school – pursuant to a Superintendent’s Hearing in accordance with Education Law §3214.
14. Permanent suspension from school – pursuant to a Superintendent’s Hearing in accordance with Education Law §3214.
15. Reporting to police for criminal charges or arrest if a violation of the penal law has taken place. School officials may also make a school incident report to the police, when the need to document an incident that does not rise to a criminal complaint but necessitates official reporting of an incident.
  - Reports of damage or theft of personal property the owner of the property must file the report.
  - Reports of physical assault, harassment or other action that may be considered a crime against another person , the district cannot be the complainant.
  - Student motor vehicle accidents that occur on school property or in the school zone, will be reported to the police. Parties will be required to file a police report. Police will determine if NYS DMV form MV104 is required.

## B. Procedures

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

their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention:

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

2. Suspension from transportation:

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

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

3. Suspension from athletic participation, extracurricular activities and other privileges:

These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Eligibility requirements include behavioral and training standards. These standards should be applied equally to all student participants. All student participants, including athletes, should be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment.

Advisors/coaches must specify minimum school attendance requirements they expect student participants to maintain. All such standards must be reasonable.

Behavior standards must include a ban on consumption/use of alcoholic beverages, drugs and/or tobacco products. These standards also extend to student conduct off school grounds, including student attendance at parties off school grounds where alcohol and/or illegal drugs are present.

"Training rules" are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, a student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present his/her side of the story as part of a general discussion of the conduct under review.

4. In-school suspension:

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning.

As such, the Board authorizes building principals and the superintendent to place students, who would otherwise be suspended from school as the result of a Code of Conduct violation, in “in-school suspension.” The in-school suspension teacher will be a certified teacher. The duration of the in-school suspension shall be five (5) school days or less.

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

5. Teacher disciplinary removal of disruptive students:

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques.

These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- Short-term “time out” in an elementary classroom or in an administrator’s office; or
- Sending a student to the principal’s office for the remainder of the class time only; or
- Sending a student to a guidance counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of the Code of Conduct.

On occasion, a student’s behavior may become disruptive. For purposes of the Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. If the disruptive student does not pose a danger or ongoing threat of

disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the office staff and meet with the principal or designee prior to the beginning of classes on the next school day.

Within twenty-four hours after the student's removal (weekends and holidays to be excluded from calculation), the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The 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 twenty-four hours (weekends and holidays to be excluded from calculation) of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day

following the forty-eight hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must keep a complete log on a form provided by the district for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

#### 6. Suspension from school:

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

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

##### a. Short-term (five days or less) suspension from school:

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four 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 established.

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 five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

b. Long-term (more than five days) suspension from school:

When the superintendent or building principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.

At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf. The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof. An appeal of the decision of the superintendent may be made to the Board of Education that 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 within thirty (30) days of the decision.

c. Permanent suspension:

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

### C. Minimum Periods of Suspension

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

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property would be subject to suspension from school for at least one (1) 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:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five (5) days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester. If the proposed penalty is the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to consider the same factors considered in modifying a one year suspension for possessing a weapon.

4. Drug and Alcohol Abuse:

Any student who possesses, uses, dispenses, sells or is under the influence of drugs and/or alcohol on school district property or in the school zone, will be subject to a minimum five day suspension for each occurrence. If required by the severity of the incident, the student may be subject to a Superintendent's Hearing. Students may not consume or be in possession of a medication unless the authorization to self-carry has been issued by the school nurse.

#### D. Referrals

1. Counseling - The Guidance Office 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 I of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - a. Any student under the age of 16 who is found to have brought a weapon to school, or
  - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

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

## **IX Alternative Instruction**

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

## **X Discipline of Students with Disabilities**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problematic behavior. The Board also recognizes that students with disabilities are governed by 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 this Code of Conduct, affording students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the Code of Conduct, the following definitions apply:
  - a. A “suspension” is defined as a suspension pursuant to Education Law § 3214.
  - b. A “removal” is defined as a removal for disciplinary reasons from the student’s current educational placement, other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer, because the student poses a risk of harm to himself/herself or others.
  - c. An “IAES” is defined as a temporary educational placement for a period of up to forty-five (45) days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board of Education, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The superintendent may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days, if the student carries or possesses a weapon to school or to a school function/or in conjunction with school sponsored activities, on school property and off-property events or functions, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function/or in conjunction with school sponsored activities, on school property and off-property events or functions.
  - i. “Weapon” has the same meaning as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”
  - ii. “Controlled substance” is defined as a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - iii. “Illegal drugs” is defined as a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## B. Change of Placement Rule

- 1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than ten (10) consecutive school days; or
  - b. For a period of ten (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 ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- 2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten (10) school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
    - ii. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student

who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

#### D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

- ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- iii. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing. Although the impartial hearing officer

may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### E. Referral to Law enforcement and Judicial Authorities

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

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

### **XI Corporal Punishment Complaints**

The Board of Education asserts that corporal punishment is not a desirable method of enforcing decorum, order or discipline. The Board prohibits the use of corporal punishment by district employees.

1. No teacher, administrator, officer, employee or agent in the district shall use corporal punishment against a pupil.
2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil, except as otherwise provided in subdivision 3.
3. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:
  - a. To protect oneself from physical injury.
  - b. To protect another pupil or teacher or any other person from physical injury.
  - c. To protect district property or the property of others.
  - d. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot be reasonably employed to achieve the same purposes.

Investigation of Complaints: Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools. This written complaint will be forwarded to the school attorney within seven (7) days. The Superintendent shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students

punished, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the school attorney upon completion of the investigation.

Reports to Commissioner of Education: Reports shall be submitted to the Commissioner of Education on or before January 15 and July 15 of each year concerning complaints about the use of corporal punishment during the six-month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the district.

## **XII Student Searches and Interrogations**

Pursuant to Board policy, students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such search. When a student refuses consent to conduct a search of his/her person or flees the school's jurisdiction, the action may be referred to the police department for further action to protect the health and safety of the student or others in the school community.

Pre-Clearance and Security in Lieu of Evacuation - as approved by the New York State Education Department Bomb Scare Procedures Guide. Students and staff will be subjected to search of persons, bags and possessions.

- A. Student parking is a privilege whereby students and parents agree to exterior and interior vehicle inspections as part of the permit process. The Principal is able to designate for specific events when vehicle inspections, exterior and interior, are a condition for admission to a specific school event. Students and parents will be advised of inspection requirement as part of the permission slip procedure.
- B. Overnight trips require, as part of the trip permission process, parents and students to agree to mandatory inspection of all luggage prior to departure.\* Inspection of luggage is to assure compliance with school rules. Failure to comply with the inspection process will result in the student not being allowed to attend the event.

\*Principal may waive mandatory school luggage inspection and embargo of luggage prior to departure when such action would be in conflict with Transportation Security Administration Guidelines or US Customs guidelines. Students remain responsible for all contents in baggage found as a result of a TSA or Customs search of baggage. Violations and resulting penalties for violation of TSA and US Customs rules are beyond the control of the district.

- C. Visitors to schools are subject to inspection of all packages brought into the school building or zone. Package contents in violation of school rules and the Code of Conduct are subject to disciplinary measures noted in the Code of Conduct.
- D. Overnight trip accommodations are provided for students as an extension of, or in conjunction with, school-sponsored activities and events when on school property, at school functions, or within the school zone. The district has a responsibility to assure:
  - 1. Physical safety of students.
  - 2. Protection of accommodations rented/loaned/borrowed as part of, or in conjunction with, school sponsored activities when on school property, at school functions, or within the school zone.
  - 3. Accommodations can/will be inspected:

- a. Prior to occupancy.
- b. After occupancy.
- c. Random inspection.
- d. Based upon reasonable suspicion of a violation of the Code of Conduct.

Students will be held responsible for any damage to accommodations. Provider of accommodations may bring criminal and civil actions against occupants of accommodations, which may be beyond the control of the school.

Violations of the Code of Conduct or local law may result in the student being sent home at the expense of a parent, and may result in school sanctions and possible criminal prosecution.

- E. Breathalyzer testing may be performed on students on school property, at school functions, or within the school zone:
  1. As a condition of admittance to a school event, students may be subject to a passive Breathalyzer test. A student who fails a passive Breathalyzer test would then be subject to an individual Breathalyzer test.
  2. If there is reasonable suspicion that a student has consumed or is under the influence of alcohol.
  3. Student's personal "product" (example water bottle) may be subject to a passive Breathalyzer tested when a reasonable suspicion exists that the container may contain alcohol.
  4. The presumption will be that the student has consumed alcohol if he/she fails to submit to Breathalyzer testing.
  5. Possession of alcohol-containing products will be treated the same as consumption of alcohol for this search criteria. This includes school spaces and personal autos on school property, at school functions, or within the school zone.

#### F. Searches of Wireless Communication Devices (WCD)

Students will be subject to a search of a personal WCD:

1. Where a student has violated usage regulations of WCD in an area where a reasonable expectation of privacy existed and still or video pictures were taken.
2. Based upon a complaint that student has sent or retransmitted text or pictures that the administration considers harassment, bullying, cyber bullying or sexting.
3. Based upon knowledge or complaint that the student violated school testing security, such as photos of tests or testing materials.
4. While taking any New York State Education Department examination, such as a Regents examination, current New York State Education Department instructions for administration of the examination will be the WCD policy guideline for the search.
5. While taking an exam from an outside agency, such as the SAT, ACT, AP, IB tests or similar school-sanctioned exam, instructions for administration of the examination will be the WCD policy guideline for the search.

#### G. Student Lockers, Desks and Other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control

over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. High School and Middle School agenda books notify students that all lockers (hall, gym and music lockers) are on loan to the student and subject to search at any time. Student vehicles parked on school property are subject to exterior and interior inspection, at any time as part of the permit privilege. Students and parents agree to this inspection as part of the permit application process.

- Non-school issued locks are subject to removal at any time. The district is not responsible for replacing the removed lock. Students are responsible to be sure that their personal lockers are properly secured. Locker issues need to be promptly reported to the main office.
  - Lockers are subject to be cleaned out for health and safety reasons. Spoiled, contaminated food or clothing will be disposed of without prior notice.
  - Lockers are subject to be cleaned out and property removed. The district will retain property for no more than five (5) days after the posted clean-out date. Items after this date will be discarded.
1. Searches may be conducted by the Superintendent of Schools, a district administrator, or administrative designee.
  2. A search, based upon the reasonable belief that the health or safety of those in our schools is seriously and immediately threatened, may be conducted with as much speed as is required to protect persons and property.
  3. Reasonable, individualized suspicion to conduct a search of a student or a student's possessions, and the scope of the particular search, shall be based upon the student's age, the student's history and record in school, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search, and the probative value and reliability of information used as justification for the search.
  4. The request for a search of a student or student's possessions shall be directed to a district administrator or administrative designee, who shall attempt to obtain an admission from the student of possession of the unauthorized item(s) established by this Code of Conduct or law or to a voluntary consent to the search. The search shall be limited to the extent necessary to locate the unauthorized or illegal matter. If, in the opinion of the school, failure to comply with a voluntary search would endanger the student or others, the matter will then be turned over to the police.
  5. Whenever practicable, the search should be conducted in the privacy of administrative offices and the student should be present when his/her possessions are being searched.
  6. If school officials conclude that a more intrusive search is needed (i.e., a search which requires a student to remove any or all clothing, with the exception of a search of outer coats and jackets), they shall attempt to notify the parents of the students involved by telephone, or after the fact in writing if the parents could not be reached by telephone. Such searches will be conducted by school officials only after consultation with the school attorney and/or the superintendent or another school official designated by the superintendent, unless there is reasonable cause to believe that an emergency situation may exist (e.g., a dangerous weapon is being concealed by a student). Such searches shall be conducted by an administrator or nurse of the same gender as the student in the presence of another district professional employee who is also of the same gender.
  7. The building principal or assistant building principal shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search, and where

appropriate, the name of any informant(s) from whom information was received (informants other than the district employees will be considered reliable if they have

previously supplied information which was accurate and verified, if they make an admission against their own penal interest or if the same information is received independently from several informants). The written record of the student's search shall also contain the names of those persons who were present when the search was conducted, any substance or objects discovered, and the disposition of such matter.

8. The building principal or assistant building principal shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. He or she will remain in control of such substance or objects unless the same are delivered to police authorities whereupon it shall be the responsibility of said building principal to personally deliver such matter to police authorities, and receive a receipt for same. Chain of custody will be maintained. Law enforcement will be requested to provide Central Complaint number and property receipt.
9. School computer networks and all associated electronic media, either district provided or attached with or without authorization are subject to search. School owned/loaned computers, MP3 players/ Wireless Communication Devices, still and video cameras, remain under the control of the district and are loaned to students with no expectation of privacy and subject to inspection at any time.

Searches of Social Media Networks (open postings) may be conducted as an investigative tool aiding the school for any claims of a violation of the Code of Conduct.

10. No police officer shall be allowed to perform a student search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises. In the case of a police officer presenting a search warrant, the building principal shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the building principal will call the parent or guardian to inform them of the search as soon thereafter as is practicable. An administrator will remain present with the student during the search.

#### Documentation of Searches

The following factors should be considered in order to determine whether reasonable individualized suspicion exists with regard to a search of a student's person or his/her effects:

1. Eyewitness accounts  
Note: - by whom  
- date/time  
- place  
- detailed description of events/items witnessed
2. Information from a "reliable source"  
Note: - from whom  
- time received  
- how information was received  
- who received the information  
- complete summary of information

3. Suspicious behavior  
Note: - describe behavior  
- explain suspicions
4. In cases of confiscated material believed to be illegal drugs, trained school staff will test suspected material:
  - In the event of a positive test for an illegal drug, results will be used in determination for disciplinary proceedings.
  - Results of suspected illegal drugs will be shared with police agencies.
  - District staff will assure the chain of custody.

If a search is conducted, the following information should be documented:

1. Time and location of search.
2. Age of student.
3. Circumstances contributing to exigency of search.
4. Purpose of search: what item(s) were being sought.
5. Type of search and scope thereof.
6. Person conducting search and his/her title/position.
7. Witnesses of search.
8. Results of search: material(s) found, disposition of such material(s).
9. Results of parental notification.

### **XIII Mandated Reporting of Suspected Child Abuse or Maltreatment**

Mandated reporters are required to report instances of suspected child abuse or maltreatment only when they are presented with reasonable cause to suspect child abuse or maltreatment in their professional roles.

A signed, written report (LDSS-2221A Report of Suspected Child Abuse or Maltreatment - must be filed by mandated reporters within 48 hours of an oral report. You should submit written reports to the local department of social services (LDSS) that has been assigned the investigation.

#### **A. Regulation Pertaining to Child Protective Services Investigation**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The following guidelines apply to all such interviews:

1. All requests by child Protective Services to interview a student of the district on school property shall be made directly to the Superintendent of Schools.
2. The time and place of such interview shall be designated by the Superintendent in his/her absolute discretion.
3. Any such interview conducted by the Child Protective Services shall be made in the presence of the Superintendent, or in the event that the Superintendent cannot be present, in the presence of a staff person designated by the Superintendent for that purpose. In the event that the Superintendent is not present within the District, then such interview shall not take place unless it is in the presence of the school nurse. No such interview shall take place without the presence of three designated persons.

4. This regulation shall apply to all interviews requested by the Department of Social Services, Child Protective Services, as it pertains to that agency's investigations involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect and custody investigations.
5. This regulation is for the protection and benefit of the students of the district, and every reasonable effort shall be made to accommodate the request of the Department of Social Services, Child Protective Services, as it relates to the aforementioned investigations.

#### B. Police Investigations of Students and Involvement in Searches and Interrogations

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function/or in conjunction with school sponsored activities, on school property, at school functions, or within the school zone; or
3. Been invited by school officials.
4. Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property, at school functions, or within the school zone.
5. Students who are questioned by police officials on school property, at school functions, or within the school zone will be afforded the same rights they have outside the school, meaning:
  - a. They must be informed of their legal rights.
  - b. They may remain silent if they so desire.
  - c. They may request the presence of an attorney.

#### **XIV Visitors to the Schools**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor log and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school

grounds. The visitor must return the identification badge to the principal's office before leaving the building.

Visitors who have been processed and admitted to the school as an authorized visitor, are obligated and only permitted to access the office/space/destination they have noted on visitor log. Individuals who violated the access granted and found in violation may be considered trespassing. Violations may result in barring further access as a visitor or a report to the police as a trespasser.

All packages brought into the school building are subject to search prior to admittance to the school building. Visitors may be required to show valid photo identification, prior to admittance to the school building. Photo ID may be scanned, copied, or electronically recorded as part of the visitor log.

Visitors, at the discretion of the building principal, may proceed to an authorized area without an escort. The principal may, at any time, require administrative or supervisory escort of any or all visitors within the school building.

3. Visitors attending school-sponsored activities on school property, at school functions, or within the school zone, or events or functions that are open to the public, such as parent-teacher organization meetings or public gatherings, polling place, are not required to sign the visitor log.

Parents/Guardians who have Orders of Protection/custody issues must:

- a. Present original copies of all paperwork.
  - b. Advise the School of any change in status or expiration of the decree.
  - c. Parent or Guardian is responsible for renewal of the decree and presenting the updated decree to the school prior to expiration of the original decree. New copies will be required at the start of each school year.
  - d. District must be able to verify the decree and have a contact number for the court of record.
  - e. When the district is unable to confirm the status of any of the parties to the decree, the district will take the most conservative view to protect the interests of the child(ren).
  - f. Parents who have issues of supervised visitation and would like to attend a school event must make arrangements with the principal at least ten (10) school days prior to the event.
  - g. If needed, police will be called to assist with the interoperation and enforcement of custody and Orders of Protection.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the expressed approval of the principal so that class disruption is kept to a minimum.
  5. Teachers are expected not to take class time to discuss individual matters with visitors.
  6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants. School buildings are posted in compliance with NYS Penal Law for loitering.
  7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

8. Any visitor wishing to inspect schools records or interview students on school premises must comply with all applicable Board of Education policies and administrative regulations. In questionable cases, the visitor shall be directed to the superintendent's office to obtain written permission for such a visit.
9. The principal is authorized to take any action necessary to secure the safety of students and school personnel. Unauthorized visitors shall be requested to leave school premises immediately, and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse.

## **XV 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/or in conjunction with school sponsored activities, on school property and off-property events or functions. For purposes of this section of the Code, "public" shall mean all persons when on school property, at school functions, or within the school zone, or functions including students, teachers, parents, guardians, invited guests and district personnel. The restrictions on public conduct on school property, at school functions, or within the school zone contained in this Code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others. All persons on school property, at school functions, or within the school zone shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property, at school functions or within the school zone are expected to be properly attired for the purpose for which 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 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 property, at school functions, or within the school zone, that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises, at school functions, or within the school zone, without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either when on school property, at school functions, or within the school zone.
10. Possess or use weapons in or on school property, at school functions, or within the school zone, except in the case of law enforcement officers or except as specifically authorized by the school district.

11. Loiter on or about school property, at school functions, or within the school zone.
12. Gamble on school property, at school functions, or within the school zone.
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 of Education policy while on school property, at school functions, or within the school zone,
16. Hauppauge UFSD is a smoke-free environment. Smoking or consumption of any tobacco product of any kind is prohibited on school property, at school functions, or within the school zone. Tobacco product prohibition extends to personal vehicles in the school zone or school vehicles at all times.
17. Electronic cigarettes, electronic cigars, or any vapor delivery device, are prohibited in the school zone.
18. The distribution of handbills, flyers, advertisements, free samples or product literature, may not be distributed in person, or placed on a personal or district vehicle. This restriction extends to school fields and parking lots for commercial and non-school related purposes.
19. Street sale vendors are not allowed on school property unless invited by an authorized agent of the district.
20. No sales, possession or use of fireworks are permitted on school properties. Exception is for licensed providers of fireworks, who have proper school, federal, state and local permits.
21. School administration may refer repeat violators of no smoking regulations to the Suffolk County Board of Health for an administrative hearing for violation of the County Code.
22. Students, while on out of school suspension, will be considered trespassing while on school property during the period of suspension. Trespass warning is for the full twenty-four (24) hour period of the suspension. Exceptions to the trespass warning and procedures will be outlined in the suspension letter.
23. Students shall be subject to disciplinary action, as the facts may warrant, in accordance with the due process requirements.
24. Tenured faculty members shall be subject to disciplinary action as the facts may warrant, in accordance with Education Law §3020-a or with any other legal rights to which they are entitled.
25. Staff members in the classified service of Civil Service are entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action, as the facts may warrant, in accordance with Civil Service Law §75 or with any other legal rights to which they are entitled.
26. Staff members other than those described in subdivisions 4 and 5 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights to which they are entitled.

## B. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct which, in his or her judgment, does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person

refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property, school functions, or from within the school zone. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district may institute a third party proceeding for violations of the Code of Conduct when either or both sides are unable or unwilling to proceed.

The district shall initiate disciplinary action against any student or staff member, as appropriate, in accordance with the penalties listed above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

### C. Spectator Code of Conduct – Section XI

Violators of the Code of Conduct are subject to eviction from contest site, and possible criminal prosecution and future ban from attendance at school athletic events.

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 respect officials, coaches and players and extend all courtesies to them at all times.
3. Wholesome cheering is encouraged.
4. Stamping of feet, taunting, foul and abusive language, inflammatory remarks, and disrespectful signs and behaviors are not acceptable. Violations during a free throw attempt will result in the free throw, if missed, being repeated. 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, use of lavatory facilities, and parking of cars.
7. New York State law prohibits alcoholic beverages of any kind on school property, at school functions, or within the school zone. The law further prohibits any person under the influence of alcohol to be on school property, at school functions, or within the school zone.
8. Spectators shall respect and obey all school officials, supervisors, and police at all athletic contests.
9. No smoking or tobacco products are allowed on school property.

## **XVI Dissemination and Review**

### A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of the Code of Conduct.

1. Copies of the Code will be made available to all parents at the beginning of the school year. Parents will be advised that copies of the Code may be obtained from the building principal or downloaded from the district website. Parents will be mailed an abridged copy of the Code of Conduct as part of the annual back to school mailing.

2. Students will be provided a summary of the Code of Conduct at a general assembly held at the beginning of each school year. The district will supply high school and middle school student agenda books which will contain an abridged copy of the Code of Conduct.
3. On an annual basis, the DASA requirement to supply an age-appropriate, plain language summary of the Code of Conduct to all students will be met.
4. Faculty and staff will be advised that full copies of the Code may be obtained from the building principal or from the district website.
5. New faculty and staff will be advised that full copies of the Code may be obtained from the building principal or from the district website.
6. Building principals will review the Code of Conduct at the first faculty meeting of each school year.
7. A copy of the Code of Conduct will be published on the district website for review by students, parents, and other community members.

The Board of Education will review the Code of Conduct every year and update it as necessary. The Code of Conduct Committee composition will follow NYS guidelines. Hauppauge Public Schools, as part of the committee composition, will appoint a Board of Education member as a member of the Code of Conduct Committee. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel. In conducting the yearly review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

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

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

#### Committee Members:

Joseph C. Tasman, Assistant Superintendent for Personnel & Administration  
 David Barshay, President, Board of Education  
 Rob Scarito, Vice President, Board of Education  
 Stacey Weisberg, Board of Education Trustee  
 Christine O'Connor, Principal  
 Maryann Fletcher, Principal  
 Claudine DiMuzio, Principal  
 George Gagliardi, Principal  
 Kristen Reingold, Principal  
 Ed Spear, Security  
 Kevin Giachetti, HTA Representative  
 Holli Cirone, PTA Representative  
 Rachel Black, Student Representative