NYSSBA Sample Policy 5300

(X) Required
( ) Local
( ) Notice

SAMPLE ANNOTATED CODE OF CONDUCT

NOTE: Codes of Conduct must reflect the provisions of DASA, which explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. We have included the terms "race" and "protective hairstyles" as defined in Education Law §11 (the Dignity for All Students Act or DASA). These provisions would apply to school rules, student interactions with other students, and student interactions with school personnel. We are issuing preliminary changes to specifically prohibit cannabis use on school grounds, pursuant to state law (state regulations have not yet been developed).

This sample code of conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(l) of the Commissioner's regulations. Unless otherwise noted, all statutory references in the sample code are to the Education Law.

The Board of Education has the exclusive authority to adopt and amend the code of conduct. However, the SAVE legislation requires that the code be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel (§2801(3)).

It is important to note that this is only a sample. It is not intended as a model code. School districts may structure their codes of conduct in a number of different ways. Further, the specific content of each district's code must be determined at the local level.

This sample code of conduct does not constitute the rendering of legal advice and is not a substitute for competent legal advice. Districts are urged to work closely with their school attorneys in developing their own code of conduct.

This code includes the option of utilizing restorative justice practices as a possible alternative in disciplining students. If the district is utilizing such practices, the board should ensure to utilize the highlighted language as noted in this series of policies. We also took this opportunity to update, clean up and clarify other language, and modify the tone of this Code of Conduct, moving the language from punitive to one where discipline is intended to help students grow. Text that is both highlighted and underlined pertains to restorative practices, but can also be considered by districts not utilizing restorative practices. Districts must understand implementing restorative justice principles and programs take time, training and buy-in. It will not happen solely via policy.

Districts are reminded that any changes to this policy (including subsections), except when updating the name and contact information of the DASA Coordinator, require a public hearing prior to adopting the change. NYSSBA recommends doing it prior to the first reading.

Several provisions of this code of conduct allow enforcement of wearing face coverings and maintaining social distance. Your district may wish to specifically include such a mandate in this Code of Conduct. We suggest language emphasizing safety in general, including face coverings and social distancing, to sections 5300.05, Introduction, and language to 5300.70, Public Conduct on School Property. If you wish to include more specific requirements and prohibitions during the pandemic, you could add language mirroring provisions of your reopening plan to 5300.15, Student Rights and Responsibilities, 5300.20, Essential Partners, 5300.30, Prohibited Student conduct, and

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5300.00 WHY DO WE HAVE A CODE OF CONDUCT?

NOTE: School districts should consider beginning their codes of conduct with a clear statement as to the purpose of the code and the district's commitment to establishing, maintaining, and when necessary, restoring a safe and orderly school environment. Such a statement, however, is not required by the SAVE legislation.

This statement below is optional for the district to include or amend. It provides a good framework of understanding what the Code of Conduct is and why it's important and to introduce the idea that it's not a tool for punishment, but a guide to set out the expectations of the school community.

1. Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. It is also essential that students are able to take age-appropriate responsibility for their own behavior.

Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults. This helps to ensure that students are better able to:

- recognize and manage emotions;
- develop caring and concern for others;
- establish positive relationships;
- make responsible decisions; and
- handle challenging situations constructively and ethically.

2. Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.

3. All adults – teachers, principals, administrators, school staff, parents, and the larger community – have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.

4. Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.

Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solutions oriented, rather than punitive. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;

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- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

5) The District will continuously monitor results in an effort to determine strategies for improvement.

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5300.05 INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. The school district is committed to:

- ensuring each student is healthy, safe, engaged, supported, and challenged;
- helping students develop self-discipline and social and emotional growth; and
- guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other district personnel, parents and other visitors is expected, as it is essential to achieving this goal.

For this to happen, everyone in the school community must demonstrate and offer respect to others.

With the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Student engagement is also integral to creating a positive school climate and culture that effectively fosters students' academic achievement and social/emotional growth. Providing student with multiple opportunities to participate in a wide range of pro-social activities and at the same time to develop a bond with caring, supportive adults reduces negative behavior. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of student's achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems.

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

All persons on school property must behave in a safe manner. When required by the district during an outbreak of a communicable disease, this may include maintaining appropriate distance from others and wearing face coverings or other personal protective equipment.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible developmentally appropriate, graduated consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this code of conduct ("code"), which is based upon education laws, regulations, and Board policies.

Unless otherwise indicated, this code applies to all students, school personnel, parents and

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other visitors when on school property or attending a school function.

Remote Instruction: Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote instruction. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

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5300.10 DEFINITIONS

NOTE: Codes of Conduct must reflect the provisions of DASA, which now explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. These provisions would apply to school rules, student interactions with other students, and student interactions with school personnel.

The yellow highlighted language is optional, but useful to include if the district is utilizing restorative practices.

For purposes of this code, the following definitions apply.

"Behavior" is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

NOTE: The use of the word "behavior" is not codified in law and the above can be changed to reflect what the board would like modeled at the district.

"Disruptive student" means an elementary 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.

NOTE: The definition of "disruptive student" is from §3214(2-a)(b).

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

NOTE: The definition of "gender" comes from §11 (6).

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

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

NOTE: The sample code of conduct defines "parent" broadly to include guardians to avoid using parent/guardian throughout the entire document. The definition is purely stylistic.

"Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

"Race" includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

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"Relationships" are the way in which two or more people regard and behave toward each other.

NOTE: The use of the word "relationships" is not codified in law and the above can be changed to reflect what the board would like modeled at the district.

"Respect" is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts in opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one's hands to one's self and not violating others' personal space.

NOTE: The use of the word "respect" may mean different things to different people. This definition is not codified in law and the above can be changed to reflect what the board would like modeled at the district.

"Responsibility" is an obligation to behave in accordance with social norms and being held accountable for one's actions.

NOTE: The use of the word "responsibility" is not codified in law, and the above can be changed to reflect what the board would like modeled at the district.

"Restorative Practices" are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

NOTE: The use of the phrase "restorative practices" is not codified in law, and the above can be changed to reflect what the board would like modeled at the district.

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

NOTE: The definition of "school property" is from §2801(1).

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

NOTE: The definition of "school function" is from §2801(1).

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

NOTE: The definition of "sexual orientation" is from §11(5).

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

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

NOTE: The definition of "violent student" reflects the definition in Education Law 3214 for purposes of minimum periods of suspension. That definition only covers actual acts of violence, not attempts, and is limited to certain types of weapons. Attempted acts of violence, and weapons in general, are still prohibited by this sample Code, but making this change will mean that attempted violence, and possession of weapons other than those required by law, will not automatically result in the mandatory minimum suspension period required to be applied to "violent students" as defined in law.

The minimum period of suspension can be modified at the discretion of the district on a case-by-case basis per Education Law §2801(2)(l)-(n) which is further addressed in section 5300.40.

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

NOTE: The definition of "weapon" in the sample code is much broader than the definition used in the federal Gun-Free Schools Act. The term is broadly defined to keep all types of objects that can cause serious injury or death out of schools, and thereby enhance school safety.

The school board has discretion in defining "weapon" in its code of conduct. School districts should be aware, however, that federal and state law mandate that students who possess a firearm defined in federal law (18 USC §921) be suspended from school for a minimum of one calendar year. The SAVE legislation also requires that the district's code of conduct provide for a minimum period of suspension for all acts that would qualify a student to be defined as a violent student (§2801(2)(m)).

Therefore, if a school district chooses to define "weapon" broadly in its code, and apply that definition to the definition of "violent student more students may be subject to the required minimum one-year suspension under the Gun-Free Schools Act and more students may qualify as "violent" students. Again, minimum period of suspension can be modified at the discretion of the district on a

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case-by-case basis per Education Law §2801(2)(l)-(n) which is further addressed in section 5300.40.

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5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

NOTE: Codes of Conduct must reflect the provisions of DASA, which now explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. These provisions would apply to school rules, student interactions with other students, and student interactions with school personnel.

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, ethnic group, religion, religious practice, gender (including gender identity and expression) or sexual orientation or disability.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:

    a. Grade level objectives, requirements and state standards;
    b. Grading criteria and procedures;
    c. Assignment requirements and deadlines; and
    d. School and classroom rules and expectations regarding behavior.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward

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their highest level of achievement possible.

6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. To be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

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5300.20 ESSENTIAL PARTNERS

NOTE: Codes of Conduct must reflect the provisions of DASA, which now explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. These provisions would apply to school rules, student interactions with other students, and student interactions with school personnel.

Commissioner's Regulations 100.2 (l)(2)(ii)(a) requires that the Code address the roles of teachers, administrators, other school personnel, the board of education and parents.

All members of our learning community – including students, staff, parents and engaged service providers – must assume responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

Those responsibilities include but are not limited to the following:

A. Parents

NOTE: The paragraph below is intended to be a general statement to describe what this Code of Conduct is for parents. It is not a required part of this policy, but helps frame it for members of the school community.

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, parents will be encouraged to promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach.

To achieve this goal, 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 and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, respectful, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.

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9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Tell school officials about any concerns or complaints in a respectful and timely manner.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Be respectful and courteous to staff, other parents/guardians and students while on school premises.

B. Staff

*NOTE: The paragraph below is intended to be a general statement to describe what this Code of Conduct is for **all** staff. The paragraphs below are not required portions of this policy, but help frame it for members of the school community.*

Throughout this section language regarding "trauma informed approach" is utilized. As with all of the elements, if the district is not using this, it should not be incorporated into the policy, but NYSSBA does recommend the use of a trauma informed approach in the district.

The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to the school principal so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g., anger, outbursts, withdrawal, self-injury).

1. Teachers

   To achieve this goal, all district teachers are expected to:

   a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-worth and promote confidence to learn.
   b) Be prepared to teach.
   c) Demonstrate interest in teaching and concern for students and student achievement.
   d) Know school policies and rules, and enforce them in a fair, timely, and consistent manner.
   e) Maintain confidentiality in conformity with federal and state law.
   f) Communicate to students and parents:
      i. Grade level objectives and requirements

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ii. Marking/grading procedures
iii. Assignment deadlines
iv. Expectations for students
v. Classroom behavior and consequences plan.

g. Communicate regularly with students, parents and other teachers concerning growth and achievement.
h. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
i. 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.
j. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
k. Be open to active participation in resolving conflicts through a restorative process.

2. School Counselors

a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression)) or sex.
b. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
c. Initiate teacher /student/counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
d. Regularly review with students their educational progress and career plans.
e. Maintain confidentiality in accordance with federal and state law.
f. Provide information to assist students with career planning.
g. Encourage students to benefit from the curriculum and extracurricular programs.
h. Make known to students and families the resources in the community that are available to meet their needs.
i. Participate in school-wide efforts to provide adequate supervision in all school spaces.
j. 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.
k. Address personal biases that may prevent equal treatment of all students.
l. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
1. Be open to active participation in resolving conflicts through a restorative process.

3. Other School Personnel

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a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
b. Maintain confidentiality in accordance with federal and state law.
c. Be familiar with the code of conduct.
d. Help children understand the district's expectations for maintaining a safe, orderly environment.
e. Participate in school-wide efforts to provide adequate supervision in all school spaces.
f. 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.
g. Address personal biases that may prevent equal treatment of all students.
h. Be open to active participation in resolving conflicts through a restorative process.

4. Principals/Administrators

a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity and expression) or sex.
b. 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.
c. Maintain confidentiality in accordance with federal and state law.
d. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
e. Support the development of and student participation in appropriate extracurricular activities.
f. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
g. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
h. Participate in school-wide efforts to provide adequate supervision in all school spaces.
i. 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.
j. Address personal biases that may prevent equal treatment of all students and staff.
k. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting

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relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

l. Be open to active participation in resolving conflicts through a restorative process.

5. The Dignity Act Coordinator(s)

NOTE: A Dignity Act Coordinator must be identified by the board annually for each school in the district. It is important this is someone accessible to students Monday through Friday. The name and contact information for the Dignity Act Coordinator(s) must be included in the Code of Conduct. The board is not required to hold a public hearing to change this information.

The Dignity Act Coordinator(s) are as follows:
FPBS: Bridget Stegmeier; bstegmeier@fpbsd.org
516-434-2729
JLCS: Kristina Lynch; klynch@fpbsd.org
516-434-2782

Their duties are as follows:

NOTE: The following list of duties should be customized to reflect the role in the district.

a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
b. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
c. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
d. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
e. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
f. Address and investigate 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.
g. Address personal biases that may prevent equal treatment of all students and staff.

6. Superintendent

a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective

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hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.

b. Inform the Board about educational trends relating to student discipline
c. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
d. Maintain confidentiality in accordance with federal and state law.
e. Work to create instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs.
f. Work with district administrators in encouraging a positive school climate, enforcing the code of conduct and ensuring that all cases are resolved promptly and equitably.
g. Participate in school-wide efforts to provide adequate supervision in all school spaces.
h. 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.
i. Address personal biases that may prevent equal treatment of all students and staff.
j. Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

7. Board of Education

a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
b. Maintain confidentiality in accordance with federal and state law.
c. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
d. 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.
e. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
f. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
g. 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.
h. Address personal biases that may prevent equal treatment of all students and staff.
i. The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

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j. Be open to active participation in resolving conflicts through a restorative process.

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5300.25 STUDENT DRESS CODE

NOTE: Codes of Conduct must reflect the provisions of DASA, which now explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. These provisions would apply to school rules, student interactions with other students, student interactions with school personnel, and include disparate treatment, imposing discipline or denying privileges. We have modified the paragraph after the numbered list to reflect these protections. We have also expanded that paragraph to protect expression of student gender identity via accessories other than clothing.

We provide alternate text for item 2 to focus less on the relative coverage of clothing and more on what must be covered, and reduce the over-application of this policy on females. In the last paragraph, we have suggested language meant to promote sensitivity toward students, recognizing that criticism of student dress should be handled with sensitivity and minimize loss of instructional time.

This section is required, but there is latitude about how it is done. Framing this in a positive way instead of a negative way may garner more cooperation. This is not to be used against students' gender identity and students should be permitted to dress as appropriate to their gender identity. Be mindful of freedom of expression matters when enforcing this section of the code.

If the district is utilizing restorative justice principles, the board should ensure to utilize the highlighted language below.

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

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

1. Be unlikely to injure people or damage property, appropriate according to this code, and not substantially disrupt or materially interfere with the educational process.
2. Recognize that extremely brief and see-through garments are not appropriate.
3. Ensure that underwear is covered by outer clothing (visible waistbands and straps are not violations).
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not cover the student's face to the extent the student is not identifiable, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate, harass, or discriminate against others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, religion, religious practice, disability, creed, national origin, ethnic group, gender (including gender identity and expression), sex, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or controlled substances or illegal drugs and/or encourage other illegal or violent activities.

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Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

Each Building Principal or designee is 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.

Enforcement of this dress codes must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and to minimize loss of instructional time. Staff, preferably those who have a positive relationship with the student, are expected to address dress code violations with students privately, determine if there are factors impacting the student's ability to meet the dress code, and help address these issues. Students whose appearance violate the student dress code are 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 will 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 will be subject to further discipline, up to and including out of school suspension if after restorative justice principles have been implemented the student continues to refuse to cooperate.

NOTE: Under the SAVE legislation the code of conduct is to govern the conduct of students, teachers and other school personnel and visitors (§2801(2)) and is to contain provisions regarding dress while on school property (§2801(2)(a)). This section of the sample code is limited to a dress code for students. Section XV of the sample code, dealing with public conduct on school property, sets forth the expectation that all persons on school property will be properly attired for the purpose they are on school property.

School officials should be aware that a dress code for employees is a mandatory subject of bargaining and, as such, may not be imposed upon unionized district personnel without negotiations (see State of New York (Dep't of Taxation and Finance), 30 PERB ¶ 3028 (1997)).

In developing a student dress code, district officials should be aware that generally, school officials may not prescribe students' dress while students attend school in cases where fashion or taste is the sole criterion. However, a dress code may be adopted (and indeed the SAVE legislation requires that one be adopted) where there are legitimate educational concerns (Appeal of Pintka, 33 EDR 228 (1993)). School districts may regulate students' dress when such rules relate to a specific educational purpose such as teaching students' socially appropriate behavior, or health, safety, or full participation in school activities, such as in science laboratories and physical education classes. However, clothing worn to make a religious or political statement cannot be banned, unless it is disruptive of the educational process, lewd or offensive (Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)).

According to decisions of the courts and the Commissioner, a dress code may not be vague, subjective or overly broad (Appeal of Parsons, 32 EDR 672 (1993)).

The dress code, like all other parts of the district's code of conduct, must be developed in collaboration with teachers, administrators, other school service professionals, students and parents

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to ensure that it reflects "current community standards" on "proper decorum and deportment" (Appeal of Parsons; Appeal of Phillips, 38 EDR 297 (1998)).

Ref: Education Law §11(9), (10)
Executive Law §292(37), (38)
Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
Appeal of Parsons, 32 EDR 672 (1993)

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5300.30 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

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

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

Students may be subject to disciplinary action, up to and including, in extreme or repeated occurrences, suspension from school, when they:

A. Engage in conduct that is disorderly. Examples of this type of behavior include, but are not limited to:

1. Running or otherwise unsafe behavior in hallways.
2. Making unreasonable noise.
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.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate. Examples of this type of behavior include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating

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belligerence or disrespect.
2. Lateness for, missing or leaving school without permission.

C. Engage in conduct that is prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive. Examples of this type of behavior include, but are not limited to:

1. Inappropriate public sexual contact
2. Display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of this type of behavior include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee, another student or any other person lawfully on school property.
2. 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.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. 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 this type of behavior include, but are not limited to:

NOTE: Smoking and other tobacco use and use of electronic cigarettes (including vaping), including cannabis, is prohibited, by law, in school buildings, on school grounds, and in school vehicles. This policy reflects the requirements of law.

1. Attempting to engage in or perform an act of violence noted in Section D.
2. 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.
3. 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.
4. 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.
5. Discrimination, which includes using race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, national origin, ethnic group, religion, religious practice, sex, gender

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(identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.

6. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy 7550, Dignity for All Students)
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Selling, using, distributing or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

F. Engage in misbehaviors otherwise prohibited by sections A-E of this section while on a school bus and to remain seated, keep objects and body parts inside the bus, obey the directions from the bus driver or monitor. 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.

G. Engage in any form of academic misbehavior. Examples of academic misbehavior include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

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H. Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misbehavior includes threatening or harassing students or school personnel through any means off-campus, including cyberbullying (see Dignity for All Students Act policy – 7550)

NOTE: In this area of Constitutional law, the U.S. Supreme court cases are subject to much interpretation. Accordingly, to determine in any specific circumstance whether certain student conduct is actionable, it would be wise to consult with the district's school attorney.

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5300.35 REPORTING VIOLATIONS

Because the district's goal is for making school a community free of violence, intimidation, bullying, harassment, and discrimination, all students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the Building Principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function is expected to report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

All district staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to their supervisor, who will in turn impose an appropriate disciplinary consequences if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequences

Any weapon, alcohol or illegal substance found will be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary consequences, which may include permanent suspension and referral for prosecution.

The Principal or designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or 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.

NOTE: The SAVE legislation requires that the code of conduct contain provisions setting forth the procedures by which local law enforcement agencies will be notified of code violations that constitute a crime (§2801(2)(h)). The law does not state that law enforcement must be notified of all code violations that constitute a crime. It could be argued, however, that since this section of the law does not state that school districts have the authority to set forth "the circumstances under" which law enforcement will be notified as well as the procedures (as does §2801(2)(i) dealing with notification to parents) districts may be required to notify local law enforcement authorities of all violations that constitute a crime.

Some level of discretion in reporting violations is required to avoid involving law enforcement unnecessarily in all school disciplinary matters and creating a police state environment in schools. Therefore, the sample code requires Principals or their designees to notify local law enforcement authorities of only those code violations that substantially affect the order or security of a school and constitute a crime. Thus, a Principal would not be required to report the theft of a few dollars or the intentional destruction of an inexpensive piece of district equipment. School boards should give careful thought to developing this provision of their code and consult with their school attorney.

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5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

NOTE: If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language.

Historically, the discipline of students in schools has focused mainly on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detentions and suspensions.

However, understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes restorative justice practices to be employed where appropriate, use conflict resolution, restitution to those harmed, and group, classroom, community and re-entry circles to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others' opinions, and reintegrating into the school community.

Under this model, we ask:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Essential to the implementation of restorative justice practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;
- Be given the opportunity to learn pro-social strategies/skills to use in the future; and
- Understand the progression of more increasingly punitive consequences may be imposed if the behavior reoccurs.

While there may be more traditional punishments in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs staff and administration to utilize restorative justice practices where appropriate in addressing student disciplinary issues.

In the application of restorative principles, the process is always voluntary for the students. Any parent (or student over the age of 18) can request to go to the traditional disciplinary route and

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not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

Consequences, and if needed discipline, are most effective when they deal 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.

Consequences and disciplinary action, when necessary, will be firm, fair and consistent so as to be most effective in changing student behavior. In determining the appropriate disciplinary consequence, school personnel authorized to impose disciplinary consequences 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 consequence than subsequent violations. However, district staff are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education and discipline, if warranted, will 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 will not be disciplined for behavior related to their disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Consequences

NOTE: If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language. Language that is highlighted and underlined is optional and can be used by all districts.

Practices which allow educators to address disciplinary matters as opportunities for learning instead of punishment are expected by the Board rather than a reliance on increasing punitive measures. When choosing interventions and consequences of student's behavior, teacher, administrators, and staff must balance the district's dual goals of eliminating school disruptions and maximizing student instruction time.

Students who are found to have demonstrated inappropriate behavior may be subject to the

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following interventions and consequences, either alone or in combination. The school personnel identified after each consequence are authorized to assign that consequence, consistent with the student's right to due process.

NOTE: If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language.

In conjunction with the list below, administration (with supports from counselors) can employ conflict resolution meetings, restitution to those harmed, and group, classroom, classroom, community, and/or re-entry circle. Except in limited circumstances, restorative justice practices will always be considered first in dealing with disciplinary issues.

Should a parent or student over the age of 18 opt out of participating in the restorative practices or if restorative practices have not been effective with the student in question, the list below will be utilized to determine consequences.

1. Oral warning, teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privileges – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, school counselors, teachers, Principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, school counselors, teachers, Principal, Superintendent
4. Detention – teachers, Principal, Superintendent
5. Suspension from transportation – Principal, Superintendent
6. Suspension from athletic participation – coaches, Principal, Superintendent
7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Removal from classroom by teacher – teachers, Principal
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
12. Long-term (more than five days) suspension from school –Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged inappropriate behavior and must investigate, to the extent necessary, the facts surrounding the alleged misbehavior. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

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1. Detention

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

2. Suspension from transportation

If students do not conduct themselves properly on a bus, the bus driver is expected to bring such misbehavior to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

3. Suspension from extra-curricular activities and other privileges

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

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 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.

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 consequence involved.

5. Teacher Disciplinary Removal of Disruptive Students

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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 composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a school counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include using affective statements, using affective questions, establishing relationship with students, giving positive directives that state expectations, and giving positive and specific feedback etc.

On occasion, a student's behavior may become more disruptive than a teacher can manage. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

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 they are being removed and an opportunity to explain their 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 they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the 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 secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been

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removed from class and why. The notice must also inform the parent that they have 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 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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 48 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:

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

The Principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. 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 will be offered continued educational programming and activities until they are permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from their 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 class until they have 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.

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6. Suspension from School

NOTE: If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language.

Even if your district is not implementing restorative practice principles, you may wish to add the highlighted and underlined language.

Suspensions will be limited to students who pose an immediate or ongoing threat to oneself or others or are repeatedly substantially disruptive or for whom restorative practices have not been effective.

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

Suspensions will be used to the minimum degree necessary to promote improved student behavior and maximize student attendance.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the 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 will 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, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Students who participate in restorative practices ending in restorative conference and written agreement may be permitted to return to school sooner than those who do not. Early return is entirely at the discretion of the district.

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 misbehavior 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 misbehavior the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference will 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 will take place as soon after the suspension as is reasonably practicable.

NOTE: The paragraph that follows addresses the right to appeal the decision to suspend. As a result of a recent Commissioner's decision, Appeal of M.T., 48 Educ. Dept. Rep. 263, No.15,854, dated December 12, 2008, NYSSBA has extended the time frame for appeals of suspensions. Although Education Law and Commissioner's Regulations do not specify a time frame, NYSSBA believes that districts put themselves at risk if they offer too short of a period of time for parents/students to appeal based upon the above referenced decision and discussions with SED's Office of Counsel. Therefore, we changed the time from 5 business days to ten business days in the case of the short term suspension. In the case of a long-term suspension, we suggest 30 days. The Board may choose a different number of days, but should do so in consultation with their school attorney. It is also important to include the "extraordinary circumstances" clause, which NYSSBA's prior sample did include, but some districts may not have adopted.

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

b. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, they must give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

The Superintendent will personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized

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to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part thereof.

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

d. Procedure After Suspension

NOTE: If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language.

The Board may condition a student's early return from a suspension on the student's voluntary participation in restorative conference, reentry circles, counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions will be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed.

C. Minimum Periods of Suspension

NOTE: The district is reminded to consider what the removal of a suspension option will do to the safety of the school environment, other students, and the student who is facing disciplinary measures. Limiting suspensions as disciplinary option may detrimentally impact the safety of the school environment.

The district is required under §2801 to establish a minimum suspension period for violent acts other than certain weapons possession (item 2) or repeated substantial disruption (item 3). Below we have set it to one (1) day, rather than five (5) days. The board has discretion to set this limit but is encouraged to be mindful that a suspension of more than five (5) days will require a full superintendent's due process hearing. Each situation should be considered on a case by case basis. This approach does not prohibit a suspension longer than one day, but it also does not mandate 5 days minimum.

1. Students who bring or possess certain weapons on school property

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Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, 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 in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing certain weapons on school property

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, will be subject to suspension from school for at least one day. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the consequence 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 repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom will be suspended from school for at least one day. 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 or more occasions during a semester, or three or more occasions during a trimester. If the proposed consequence is the minimum one-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 consequence exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students

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subject to a long-term suspension. The Superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The Pricipal will 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 they require supervision and treatment by:

NOTE: The items below reflect the definition of a person in need of supervision (PINS) under the Family Court Act §712. Possession of marijuana is no longer grounds for a PINS petition. The paragraph below the lettered list reflects a procedural element of filing PINS petitions under the Family Court Act §735.

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
b. Being ungovernable, or habitually disobedient and beyond the lawful control of the school.
c. Engaging in prostitution in violation of Penal Law §230.00 (engaging or agreeing or offering to engage in sexual conduct with another person in return for a fee); or
d. Appearing to be a sexually exploited child under Social Services Law §447-a(1)(a), (c), or (d), but the student must consent to filing the PINS petition.

For items 'a' and 'b' above, when filing the petition, the district must describe the diversion efforts it has undertaken or services provided to the student, and the grounds for concluding the allegations cannot be resolved without the petition.

3. Juvenile Delinquents and Juvenile Offenders

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:
All students under age 16, except student age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law 1.20(42).

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b. To the appropriate law enforcement authorities:
All students age 16 or older, and all student age 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law 1.20(42).

The district may take other actions to assist students in managing their behavior, including referrals to or partnerships with community resources.

Ref: Education Law §3214
8 NYCRR §100.2(l)
Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

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5300.45 ALTERNATIVE INSTRUCTION

NOTE: NYSSBA recommends text to address the quality and effectiveness of alternative education. It has become increasingly clear that students are at increased risk of dropping out when they are suspended or removed from class.

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. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

NOTE: The SAVE legislation does not define the phrase "continued educational programming" or how it differs from alternative educational instruction that must be given to students who have been suspended (compare §3214(3-a) and §3214(3)(e)). For purposes of the sample code, the terms are treated in the same manner. This is not required, and advice should be sought from your school attorney.

School officials are reminded that under Education Law § 3214(3)(e) districts are required to take immediate steps to provide the required alternative instruction. "Immediately" does not mean instantaneously, but it does mean that the district should act promptly, with due regard for the nature and circumstances of the particular case. One court has held invalid a policy that stated that the district would not provide alternative instruction for students suspended for five days or less (Turner v. Kowalski, 49 A.D.2d 943 (2nd Dep't 1975)). In another case, the Commissioner admonished a district for having a policy that stated that the district would not provide alternative instruction if the period of suspension were less than three days (Appeal of Bridges, 34 EDR 232 (1994)).

The Commissioner of Education has also repeatedly held that placing a student in a study hall does not suffice as alternative instruction for students under the compulsory attendance age (see for example, Child Suspected of Having a Handicapping Condition, 31 EDR 42 (1991); Appeal of Ackert, 30 EDR 31 (1990); Matter of Malpica, 20 EDR 365 (1981).

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5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

NOTE: This portion of the sample code of conduct applies only to students with disabilities found eligible for special education services under the IDEA and Article 89 of New York's Education Law, and students presumed to have a disability for discipline purposes under those two statutes and their implementing regulations. It does not apply to students with disabilities who are eligible for services only under Section 504 of the Rehabilitation Act. School districts should consult with their school attorney regarding the discipline of those students.

If the district is implementing restorative practice principles, the following highlighted language should be added to the policy. If not, the district can omit the highlighted language. Language that is highlighted and underlined is optional and can be used by all districts.

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative justice practices will be the considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

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

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).

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

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

4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting* (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable them to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is

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used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

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

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

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

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

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

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

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

NOTE: Throughout our sample Code of Conduct, the word "penalty" was replaced by "consequence" or something similar. In this next section, however, it was left as is, because the language "penalty phase" is used in commissioner's regulations 8 NYCRR §201.9.

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1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer will be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

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

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

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

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

Parental Notification of a Disciplinary Change of Placement

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

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

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

Manifestation Review

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

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

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

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

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

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

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which they were removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

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

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Services for Students with Disabilities during Periods of Suspension or Removal

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

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

   In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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

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

Students Presumed to Have a Disability for Discipline Purposes

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

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

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

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

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

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

Expedited Due Process Hearings

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

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or

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4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

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

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

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

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5300.55 CORPORAL PUNISHMENT

NOTE: This section of the sample code of conduct recites the Commissioner's regulations governing the use of reasonable physical force by school district personnel against students (8 NYCRR §§ 19.5(a)-(c); 100.2(l)(3)(i)). Neither the SAVE legislation nor the regulations require that this provision be included in the code of conduct. It is included in this sample code because of its relevancy to the issue of maintaining or restoring school safety.

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

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

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

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

Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

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5300.60 STUDENT SEARCHES AND INTERROGATIONS

NOTE: We have provided sample alternative text that can be used to prohibit strip searches. NYSSBA still recommends reviewing this policy with the school attorney because of the potential for liability and the complexity of the policy choices that can be made in this area.

Please see notes throughout this policy for more information. Note that while the Code of Conduct itself is a required policy, it is not required to include a section on student searches and interrogations.

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

The Board authorizes the Superintendent of Schools, Building Principals, and Assistant Principals to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

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

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

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

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not

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apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip searches

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent will make a determination in consultation with the school attorney. Any strip search must be conducted by an authorized school official of the same sex as the student, in the presence of another district professional employee also of the same sex as the student. The district will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

NOTE: The following paragraph provides the Board with an opportunity to set a standard for a strip search. Because a strip search is such an intrusive procedure, Boards should carefully consider their options in crafting the language. The courts, specifically the Second Circuit, with jurisdiction over New York, have permitted strip searches based on "reasonable suspicion." Boards have other policy options. Boards of Education can, for example: (1) prohibit strip searches and direct administrators to contact law enforcement; (2) impose a higher standard such as "probable cause;" or (3) allow administrators to conduct based on reasonable suspicion. NYSSBA suggests that you consult with your school attorney to determine the approach that best suits your district.

C. Treatment of Cell Phones

NOTE: NYSSBA recommends considering adding the following to give general guidance to staff and students regarding cell phones. Confiscating a cell phone is not considered a search and neither is looking at what is in plain view on the screen of the phone. A search of the contents of a cell phone should be handled with care and consideration. NYSSBA offers the following general approach. The district may wish to provide more detailed guidance in a regulation or procedure for staff.

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 7316, Student Use of Personal Technology. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

The authorized school official conducting the search is responsible for promptly recording

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the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and their title and position.
7. Witnesses, if any, to the search.
8. Time and location of search
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee will be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or designee must clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or designee is responsible for personally delivering dangerous or illegal items to police authorities.

E. Police Involvement in Searches and Interrogations of Students

NOTE: Counsel for the State Education Department has indicated that police authorities have no power to interview children in schools or to use school facilities in connection with police department work, and that a school Board has no right to make children available for such purposes. Law enforcement officers do not have a legal right to interrogate a student in school without the permission of the parents, nor would any officer or employee of the school have the right to authorize this, since custody of the child by the school is limited to education purposes (Opinion of Counsel, 1 EDR 800 (1959)). Districts should consult with their school attorney in drafting and implementing this section of its code of conduct.

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

NOTE: A prior version of this policy included a number 3 above: "Been invited by school officials." We removed that language because it is unclear whether that is a sufficient basis for allowing police to interrogate or search a student. If a school official requests the assistance of the police for purposes of an interrogation or search, it would be wise to consult with the school attorney before

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proceeding to determine what standards would apply.

Before police officials are permitted to question or search any student, the Principal or designee must 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 will not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding, 129 S. Ct. 2633 (2009)*
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

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5300.65 VISITORS TO THE SCHOOLS

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following expectations apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry. They will present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the badge to the main entry point before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to sign-in.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session must arrange such visits in advance with the classroom teacher(s) and Building Principal.
5. Teachers are expected to teach and will not be able to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to meet the expectations for public conduct on school property contained in this code of conduct.

Ref: Education Law §§1708; 2801

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5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

NOTE: Codes of Conduct must reflect the provisions of DASA, which now explicitly states that "race" includes traits associated with race, such as hair texture and protective hairstyles. These provisions would apply to school rules, student interactions with other students, and student interactions with school personnel.

We have also included a prohibition in section A.16. on smoking, vaping, or otherwise consuming cannabis, pursuant to new state law, which prohibits its use on school grounds.

NOTE: Language promoting safety is included in the first and third paragraphs, as well as item 1 under section A. Smoking and other tobacco use and use of e-cigarettes (including vaping), including cannabis, is prohibited by law in school buildings, on school grounds, and in school vehicles. This policy reflects the requirements of law in this regard.

The district is committed to providing a safe, welcoming, engaging, respectful, orderly environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to maintain this kind of an environment, the public must also adhere to the expectations of the district. For purposes of this section of the code, "public" means all persons when on school property or attending a school function including students, teachers and district personnel.

The expectations for the public's conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, and maintain order, and prevent infringement on of the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, may:

1. Intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

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6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or use chewing or smokeless tobacco, or smoke/vape/ingest cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).

B. Consequences

Persons who violate this code will be subject to the following consequences:

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

C. Enforcement

The Principal or designee is responsible for enforcing the conduct required by this code.

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When the Principal or designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination, misconduct or otherwise not allowed behaviors, which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or designee will tell the individual that the behavior is not allowed and attempt to persuade the individual to stop. The Principal or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the undesired behaviors, or if the person's actions pose an immediate threat of injury to persons or property, the Principal or designee will have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

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5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct and other trainings to contribute to its success as needed. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

NOTE: The requirement for in-service education is from the Commissioner's regulations (8 NYCRR 100.2(l)(ii)(p)).

B. Review of Code of Conduct

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

NOTE: Education Law §2801(5) requires the Board of education to review the district's code of conduct annually.

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

NOTE: Districts should be aware that they are not required to establish an advisory committee to assist in reviewing the code of conduct (see Education Law § 2801(5)(a)).

Before adopting any revisions to the code, the Board will hold at least one public hearing at

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which school personnel, parents, students and any other interested party may participate.

NOTE: Education Law § 2801(5)(a) requires the Board of education to hold at least one public hearing before reapproving an updated code of conduct.

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 30 days after adoption.

NOTE: Education Law §2801(5)(b) requires each district to file its code of conduct and any amendments to it with the Commissioner within 30 days of adoption.

Adoption date:

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