CODE OF CONDUCT

Unatego Central School District

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Code of Conduct

I. Introduction

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

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct ("code").

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

II. Definitions

For purposes of this code, the following definitions apply.

"Disruptive student" means an elementary or secondary student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

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

"School function" means any school-sponsored extra-curricular event or activity. School function: Education Law 2801 has a different definition "School function shall mean a school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state."

"Violent student" means a student 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. Possesses, while on school property or at a school function, a firearm or weapon.
4. Displays, while on school property or at a school function, what appears to be a firearm or weapon.
5. Threatens while on school property or at a school function, to use a firearm or 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.

Violent Student is defined under Education Law Section 3214 (2-1) (a). Please consider using that exact definition. "A violent student is an elementary or secondary student who:

(1) commits an act of violence upon a teacher, administrator, or other school employee;

(2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;

(3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;

(4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

(5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;

(6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or

(7) knowingly and intentionally damages or destroys school district property."

"Firearm" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

"Weapon" means any other gun, BB gun, air gun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, any type of knife, bill club, sling shot, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star,anystar, any type of martial arts instrument, electronic stun gun, pepper spray, mace or other noxious spray, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

"Plagiarism" means the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.

III. Student Rights and Responsibilities

A. Student Rights

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

1. The best education that the Unatego Central School District can provide.
2. An educational climate where the well-being of students is the primary concern.
3. Take part in all district activities on an equal basis regardless of race, color, creed, age, political affiliation, use of a recognized guide dog, hearing dog or service dog, creed, national origin, religion, gender or sexual orientation or disability.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
5. Seek help in solving problems that might lead to discipline within the resources of the school.
6. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

7: Have his/her student records available for inspection by his parents or guardian upon request, or by the student, if 18 years or older.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
6. Dress appropriately for school and school functions and in accordance with the student dress code.
7. Accept responsibility for their actions.
8. 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.

Students will be supported in their responsibilities to:

1. Work to develop mechanisms to control their anger.
2. Ask questions when they do not understand.
3. Seek help in solving problems that might lead to discipline.

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rule are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Encourage and support students to work to develop mechanisms to control their anger.
14. Encourage and support students to ask questions when they do not understand.
15. Encourage and support students to seek help in solving problems that might lead to discipline.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
    a. Course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Expectations for students
    e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Encourage and support students to work to develop mechanisms to control their anger.
8. Encourage and support students to ask questions when they do not understand.
9. Encourage and support students to seek help in solving problems that might lead to discipline.

C. Support Staff

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
3. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Encourage and support students to work to develop mechanisms to control their anger.
6. Encourage and support students to ask questions when they do not understand.
7. Encourage and support students to seek help in solving problems that might lead to discipline.

D. Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Encourage and support students to work to develop mechanisms to control their anger.
7. Encourage and support students to ask questions when they do not understand.
8. Encourage and support students to seek help in solving problems that might lead to discipline.

E. School Psychologist

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.

2. Maintain a climate of mutual respect and dignity that will strengthen the students' self-concept and promote confidence to learn.
3. Assist students in identifying obstacles to academic achievement through recognized diagnostic techniques.
4. Support and encourage students in addressing these obstacles through collaboration with parents, staff, and outside service providers.
5. Assist staff in accommodating students' cognitive abilities, learning styles, emotional and behavioral needs in the classroom.
6. Disseminate information to parents and staff on relevant child development trends and research.
7. Encourage and support students to develop mechanisms to control their anger.
8. Encourage and support students to ask questions when they do not understand.
9. Encourage and support students to seek help in solving problems that might lead to discipline.

F. Principals

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff can communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Encourage and support students to work to develop mechanisms to control their anger.
7. Encourage and support students to ask questions when they do not understand.
8. Encourage and support students to seek help in solving problems that might lead to discipline.

G. Superintendent

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Encourage and support students to work to develop mechanisms to control their anger.
7. Encourage and support students to ask questions when they do not understand.
8. Encourage and support students to seek help in solving problems that might lead to discipline.

H. Board of Education

1. 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.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's

effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Encourage and support students to work to develop mechanisms to control their anger.
5. Encourage and support students to ask questions when they do not understand.
6. Encourage and support students to seek help in solving problems that might lead to discipline.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. This dress code, while directed specifically at students, will be in force for all members of the school community. This includes school staff, visitors, parents, or anyone conducting business at the school.

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

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, plunging necklines (front and/or back) and see-through garments and bare midriffs are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Always include footwear. Footwear that is a safety hazard will not be allowed.
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, age, political affiliation, gender, sexual orientation, use of a recognized guide dog, hearing dog or service dog, or disability.
6. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
7. Shorts and skirts must be at least mid-thigh in length.
8. Headgear will be stored in a student's locker during the school day ", except for medical or religious purposes or on days authorized by a building principal for school spirit day, or other approved events."
9. Clothing, jewelry, accessories, and manor of grooming, by virtue of its color, arrangement, trademark, or other attribute is reasonably perceived or intended to intimidate, threaten, incite violence, reflect gang affiliations or membership in a group that advocates drug use or other illegal or violent activity.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

VI. Prohibited Student Conduct

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The board of education believes that each student can reasonably be expected to be responsible for his/her own behavior.

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

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be disciplined for violations of the School District polices and the Code of Conduct when there is a connection to or impact, effect on school student personnel, school activities, school functions or school property, whether the behavior is off campus and/or on a non-school day.

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
   1. "Engaging in any act which disrupts the normal operation of the school community, including but not limited to running in hallways….," making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
   2. Obstructing vehicular or pedestrian traffic.
   3. Engaging in any willful act, which disrupts the normal operation of the school community.
   4. 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.
   5. 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.
   6. Public displays of affection. Inappropriate or Overt public displays of affection; including but not limited to sitting on laps, groping, kissing, etc. If a student has a question as to what is appropriate, he or she may discuss it with an administrator. Appropriate public displays of affection; a hug or a kiss between a student and a parent or guardian is not prohibited.
   7. fighting, assaulting, or behaving violently,
   8. Threatening another with bodily harm.
   9 Harassment, illegal discrimination, bullying, or intimidating students or school personnel.
   10 Being untruthful with school personnel or making false reports.
   11. Possessing electronic devices such as but not limited to: video/audio players, recorders, remote controls electronic games, beepers, pagers, and cell phones.
   12. Driving recklessly.
   13. Bringing or possessing a firearm or weapon.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other District employees (including but not limited to bus drivers, bus monitors and bus aides) and Law enforcement officers in charge of students or otherwise demonstrating disrespect. Lateness for, missing or leaving school or class without permission.
2. Skipping any assigned disciplinary action.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other District personnel or otherwise demonstrating disrespect.
2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing, threatening, or attempting an act of violence (such as hitting, kicking, biting, spitting, punching, and scratching upon a teacher, administrator or other District employee or attempting to do so).
2. Committing, threatening, or attempting an act of violence (such as hitting, biting, spitting**,** kicking, punching, and scratching upon another student or any other person lawfully on District property or attempting to do so).
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
4. Displaying what appears to be a weapon or dangerous instrument.
5. Threaten to use a weapon or any instrument that appears capable of causing physical injury or death while on school property.

6. Intentionally damaging or destroying school district property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.

7. Communication by any means, including oral, written, or electronic (such as through the Internet or e-mail) on or off school property, where the content of such communication (a) can reasonable be interpreted as a threat to commit an act of violence on or off school property; or (b) results in material or substantial disruption to the educational environment.

E. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying, deceiving, or giving false information to District personnel.
2. Stealing District property or the property of other students, District personnel or any other person lawfully on District property or attending a District function.
3. Defamation, which includes making false or un-privileged 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
4. Discrimination, which includes the use of race, age, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action, or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

6. Sexual Harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending, or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
7. Bullying and Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
8. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, e-mail, Web sites, chat rooms, text messaging or any other type of technology, when such use interferes with the operation of the school; infringes upon the general health, safety and welfare of students or employees.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club, or team.
10. Selling, using, or possessing obscene material.
11. Using vulgar or abusive language, cursing, or swearing.
12. Possession of tobacco products, lighters or matches, smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
13. Possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products or illegal substances, or being under the influence of any of these. Or possessing any instruments for the use of such drugs, controlled substances, or marijuana such as a pipe, syringe, or other paraphernalia.
14. A Student who is aware of potentially dangerous activity, a weapon, explosive, alcohol, or illegal substance on school property or at a school function or observes a person possessing a weapon, alcohol, or illegal substance on school property or at a school function and who fails report this information immediately.

"Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, controlled substances, look-alike drugs, and any substances commonly referred to as "designer drugs."
Excepted is any drug taken in accordance with a current prescription signed by a physician, which is to be taken by that student at the time in question in the presence of health office personnel.

15. Inappropriately using, sharing, selling, attempting to sell, distributing, or exchanging prescription and over-the-counter drugs.
16. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs;" or possessing or consuming (without authorization), selling, attempting to sell, distributing, or exchanging other substances such as dietary supplements, weight loss pills, etc.
17. Gambling and gaming.
18. Inappropriate touching and/or indecent exposure.
19. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
20. Violating gender privacy when using school restroom facilities.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
   1. Plagiarism.
   2. Cheating.
   3. Copying.
   4. Altering records.
   5. Tardiness.
   6. Missing or leaving school or class without permission or excuse.
   7. Assisting another student in any of the above actions.

H. Use of Electronic Devices

The Board recognizes that while carrying electronic devices can be a safety measure for staff and students alike, problems arise when the inappropriate or unauthorized use of electronic devices interferes with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns.

Students are prohibited from using or having on, or in any operational mode, any paging device, mobile telephone, cellular telephone, laser pointer or pen, or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in conjunction with a class assignment or for instructional purposes. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner that invades the privacy of students, employees, volunteers, or visitors. Administrators may grant exceptions for medical or other sufficient reason on a case-by-case basis. Students who violate this policy are subject to discipline in accordance with the District's Code of Conduct and confiscation of devices

The school is not responsible for items lost or stolen.

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student who is aware of potentially dangerous activity, a weapon, explosive, alcohol, or illegal substance on school property or at a school function or observes a person possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, or the superintendent.

If time in reporting is not an immediate concern, a student who is concerned about a possible violent action may use the confidential reporting toll free phone line. This phone line is not for reporting an immediate threat; such calls should be made to 911. The toll-free confidential line is for concerns about potential violent or dangerous actions. The toll-free line number is 1-866-535-5599 and rings into an answering machine at Troop C of the New York State Police.

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

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the 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 his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. Disciplinary Consequences, Procedures and Referrals

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

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

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

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

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

A. Consequences

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

1. Oral warning – any member of the district staff
2. Time Out – any member of the district staff.
3. Written warning, athletic director, guidance counselors, teachers, principal, superintendent
4. Written notification to parent, athletic director, guidance counselors, teachers, principal, superintendent
5. Detention – teachers, principal, superintendent
6. Suspension from transportation – director of transportation, principal, superintendent
7. Suspension from athletic participation – athletic director, principal, superintendent

8. Suspension from social or extracurricular activities – principal, superintendent
9. Suspension of other privileges – principal, superintendent
10. In-school suspension – principal, superintendent
11. Removal from classroom by teacher – teachers, principal
12. Probation, involuntary transfer, restitution for property damage and Reprimand.
13. Short-term (five days or less) suspension from school –principal, superintendent, board of education
14. Long-term (more than five days) suspension from school- superintendent, board of education
15. Permanent suspension from school – superintendent, board of education.

Student may also be required to participate in appropriate evaluations, counseling, and behavior intervention plans or contracts to address behavior issues.

B. Procedures

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

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

1. After School Detention

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

2. Suspension from transportation

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

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

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

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

4. In-school instruction

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of con-duct violation in "in-school suspension." In-school instruction will be provided by a licensed 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 penalty involved.

Teacher disciplinary removal of disruptive students: A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her 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 to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

The law authorizes teachers to remove only "disruptive" students. The removal authority does not apply to "violent" students. Instead, teachers musty immediately report and refer a violent student to the principal or superintendent for a violation of the code of conduct and a minimum suspension period.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the disciplinary 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 parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The teacher who ordered the removal may be required 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, teacher, 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 his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

5. Suspension from school

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

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

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

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 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 superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

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

C. Minimum Periods of Suspension

1. Students who bring onto school property or possess while on school property a firearm or weapon:

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

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

A student with a disability may be suspended only in accordance with the requirements of state and federal law. (Reference Section X)

2. Students who commit violent acts other than bringing to or possessing a firearm or weapon to school.

   Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or weapon onto school property, shall be subject to at least a principal's suspension with possible referral to superintendent's hearing, providing that the principal may reduce the sanction based on extenuating circumstances. If the proposed suspension is up to five days, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The principal or superintendent has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal or superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. In deciding whether to modify the penalty, the principal or superintendent may consider the following:

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

   A student with a disability may be suspended only in accordance with the requirements of state and federal law. (Reference Section X)

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 up to five days with the possibility of referral to a Superintendent's Hearing**.** 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 penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

   The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

   The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

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

IX. Alternative Instruction

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

X. Discipline of Students with Disabilities

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply.
   A "suspension" means a suspension pursuant to Education Law § 3214.
   A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement, for a period of up to 45 school days, as determined by the CSE, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall: 1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and 2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that re are designed to address the behavior violation so that it does not occur. A student who has inflicted serious bodily injury, upon another person while at school, on school premises or at school function under the jurisdiction of the education agency may be removed to an IAES, regardless of any manifestation determination.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
   a. The board, the district superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
   b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
   c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct if those removals do not constitute a change of placement.
   d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's supervision. A student may be placed in an IAES on grounds of dangerousness and for misconduct relating to the infliction of serious bodily injury, weapons, illegal drugs, or controlled substance even if the behavior triggering the placement was a manifestation of the student's disability.

1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocketknife with a blade of less than 2 ½ inches in length."
2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
    a. for more than 10 consecutive school days; or
    b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

The determination whether a suspension construes a disciplinary change of placement based on a pattern of removals is made on a case-by-case basis, depending on the student, the particular facts and is subject to review.

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

A manifestation determination consists of a review of the relationship of a student's disability and the behavior that is the subject of the disciplinary action. The manifestation teams shall review if the behavior was:

Caused by or a had a direct and substantial relationship to the student's disability or
The direct result of the school district's failure to implement the student's IEP.

The review must be based upon all relevant information in the student's file; including the IEP, teacher's' observation, and relevant information provided by the student's parents or guardians.

The manifestation team must consist of the following (**at a minimum**):

A school district representative, who is knowledgeable about the student and the interpretation of information about child behavior, the student's parent, and relevant members of the CSE.

The Manifestation team **may have the same members as the CSE**.

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

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

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

      If the manifestation team determines that conduct of a student was caused by or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of the school district's failure to implement the IEP, than the CSE must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student and, except for removals for drugs, weapons, or serious bodily injury, the student must be returned to the placement from which the student was removed, unless the parent and school agree to a change of placement as part of a modification of the behavioral intervention plan.

2. The Manifestation Team shall:

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

b. Make sure that the parent receives written notification before any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification must inform the parent of the purpose of the meeting, the names of the individuals expected to attend and the parent's right to have relevant members of the CSE participate at the parent's request.

c Review all relevant information in the student's file including the IEP, any teacher observations, and any relevant information provided by the parents.

3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
   a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
   b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, if either:
   (1) the parent of the student has not allowed an evaluation of the student pursuant to 8 NYCRR 200.4; or
   (2) the parent of the student has refused services; or
   (3) it was determined that the student is not a student with a disability pursuant to 8 NYCRR 200.4 or 200.16." This is the correct language under 8 NYCRR 201.5.

"If there is determination that the school had knowledge that the student was a student with a disability before the behavior subject of the disciplinary action, then the student is a "student presumed to have a disability for discipline purposes" and must be treated as such.

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

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

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

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

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

6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

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

2. "The school district shall arrange the expedited due process hearing according to the following time period, unless the parent and school district agree in writing to waive the resolution meeting or agree to use mediation:

(i) A resolution meeting shall occur within seven days of receiving notice of the due process complaint.

(ii) The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.

(iii) The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed.

(iv) The impartial hearing officer shall make a determination within 10 school days after the hearing." This is under 8 NYCRR 201.11.

E. Referral to law enforcement and judicial authorities

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

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

The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XI. Corporal Punishment

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

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

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

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

XII. Student Searches and Interrogations

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

In addition, the board authorizes the superintendent, district administrators, the school nurse with the authority of the building principal and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may 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 volunteer if he or she possesses physical evidence that they violated the law or the district code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks, and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name and grade of student searched.
2. Reasons for the search.
3. Witnesses, if any, to the search.
4. Time and location of search.
5. Results of search (that is, what items(s) were found).
6. Time, manner, and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall 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 his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.
4. When the search is of a person placed under arrest and the search is incidental to arrest as normal police procedures require.

Under most circumstances, before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent or legal

guardian to give the parent or legal guardian of the student the opportunity to be present during the police questioning or search. If the student's parent or legal guardian cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, in most circumstances. It is understood that certain circumstances require immediate action be taken by law enforcement and in such cases, if a parent or legal guardian cannot be contacted, the building principal or designee or superintendent may deem it necessary to proceed with the law enforcement request. The principal or designee or superintendent will also be present during any police questioning or search of a student on school property or at a school function, except for a search conducted incidental to arrest. It is further understood that certain events may take place where criminal acts are being committed and there is immediate danger of physical injury to others because of these actions and law enforcement must be allowed to act unimpeded to stop the acts being committed. Further, law enforcement officials observing criminal acts taking place shall be able to operate as they normally would in any other location.
We have a FORM for law enforcement officers to sign for this.
When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. The police will inform them (students) of those rights.

D. Child Protective Services Investigations

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

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

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

XIII. Visitors to the Schools

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

1. Anyone who is not a regular staff member or student at the school will be considered a visitor.
2. All visitors to the school must be registered at the front door upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be always worn while in the school or on school grounds. The visitor must sign-out before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV. Public Conduct on School Property

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school 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 based on race, color, creed, national origin, religion, age, gender, sexual orientation, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use 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.

B. Penalties

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

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

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

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

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

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

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.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate. The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

XVI. Dignity For All Students Act

The Dignity for All Students Act (Dignity Act) was signed into law by Governor David A. Paterson on September 13, 2010. This legislation amended New York State Education Law by creating a new Article 2 — *Dignity for All Students.* The intent of Dignity Act is to provide all public-school students with an environment free from discrimination and harassment, including bullying, taunting or intimidation, as well as foster civility in public schools. The Dignity Act takes effect on July 1, 2012. The law now includes Cyber-bullying as of July 1, 2013.

Harassment

The Dignity Act defines harassment as the creation of a hostile environment by conduct, verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities of benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation, or abuse based on a person's actual or perceived:

• race
• color
• weight
• national origin
• ethnic group
• religion
• religious practice
• disability
• sex
• sexual orientation
• gender (which includes a person's actual or perceived sex, as well as gender identity

Bullying

Bullying has been described as unwanted, aggressive behavior among school-aged children that involve a real or perceived power imbalance. The behavior is repeated or has the potential to be repeated over time. Bullying can occur before and after school hours, in a school building or places like playground or bus, while a child is traveling to or from school, or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, bullying generally involves the following characteristics:

• An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
• The Intent to Cause Harm: The person bullying has a goal of causing harm.
• Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.
• Examples of bullying include, but are not limited to:
  • Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
  • Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
  • Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking, or breaking someone's things, and making mean or rude hand gestures.

http://www.stopbullying.gov/what-is-bullying/definition/index.html

Unatego Central School District Bullying Prevention

The Unatego Central School District Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the district will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the district's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The district condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination, and/or harassment, outside of school sponsored events, which can reasonably be expected to disrupt the education process materially and substantially may be subject to discipline.

Dignity Act Coordinators

Unadilla Elementary School
Mr. Mike Snider, *Principal*
msnider@unatego.stier.org

Middle School
Mrs. Kathryn James, *MS Principal*
kjames@unatego.stier.org

High School
Ms. Abigail Costello, *HS Principal*
acostello@unatego.stier.org

XVII. Internet-Enabled Device Policy

Personal internet-enabled devices such as cell phones, smartwatches, and wireless earbuds will not be used during the school day. At our High School and Middle School, this means 8:00 - 2:45. Rather, all students will store personal electronic devices in an individually assigned Yondr Pouch. While the Yondr Pouch is considered school property, each student must bring it to school every day and keep it in good working condition.

Daily Process

As students **arrive at school**, they will:

1) Turn their phone and other internet-connected personal devices off.
2) Place their phone inside their Yondr Pouch and lock it.
3) Store their pouch in their locker or with their belongings for the day.

At the end of the day, students will unlock their pouch, remove their phones, and put the pouch in their backpacks. Students must bring their pouch to school with them each day.

*Students arriving late or leaving early will lock/unlock their pouch at the main entrance.

Progressive discipline related to the following offense

If a phone, smartwatch, or earbuds are seen or heard during the school day and are not in the Yondr pouch, and/or a student places an alternate phone in the Yondr pouch.

1st Offense: The student is reported to the administration, and the phone or smart devices are confiscated until the end of the day. Communication with the parent/guardian will be mandatory.

2nd Offense: The student is reported to the administration, and the phone or smart devices are confiscated. A parent/guardian will be notified and must pick up the device and the student will be assigned two days of lunch detention.

3rd Offense: The student is reported to the administration, and the phone or smart devices are confiscated. A parent/guardian will be notified and must pick up the device and the student will be assigned a week of lunch detention.

Further offenses will result in confiscation of the device, a parent meeting, and a half to a full day in an alternate learning space.

Damaged

If a pouch is damaged, intentionally or unintentionally, in a way that it no longer functions correctly the student may be charged for a replacement pouch at the discretion of the administration.

Examples of damage:

- Deep scratches on the globe and on the green ring around it.
- Bent pins.
- Pin and button not fully recessing due to pin damage.

Lost/Forgotten Pouch

If a student forgets their pouch, **their phone will be collected, and a call home will be made to remind caregivers of the student's responsibility.** The phone will be returned to the student at dismissal. If a student consistently forgets their pouch, it is considered lost. The student may be charged for a replacement pouch at the discretion of the administration.