

MOUNT SINAI HIGH SCHOOL
CODE OF CONDUCT
2020 – 2021



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PART II

CODE OF CONDUCT

I. Introduction

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

- A. **“Disruptive student”** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- B. **“Parent”** means parent, guardian or person in parental relation to a student.
- C. **“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.
- D. **“School function”** means any school-sponsored extracurricular event or activity.
- E. **Bullying**
Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
- F. **Cyberbullying**
Cyberbullying is defined as harassment (see below) through any form of electronic communication.

G. Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

H. Sexual Harassment

Sexual harassment means bullying, harassment or discrimination of a sexual nature, as defined by the District's sexual harassment policy.

I. Sexting

Sexting means taking nude or semi-nude photos or videos of self or others and forwarding them electronically.

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

- Commits an act of violence upon a school employee, or attempts to do so.
- 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 a school function, or attempts to do so or acts in concert with other persons to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- 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.
- Knowingly and intentionally damages or destroys school district property.

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

L. "Discrimination and Harassment" - Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards but the board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (ss10-18 of education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic including but not limited to a person's actual or perceived:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion
- Religious practice
- Disability
- Sex
- Sexual orientation, or
- Gender (including gender identity and expression).

For the purpose of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

In order to streamline the wording of this policy and regulation, the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

M. Prevention

The school setting provides an opportunity to teach children and emphasize among staff that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized through district-wide professional development and instruction to the warning signs of bullying as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientation, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each school in the district. One of the DAC’s will be designated as the district-wide coordinator. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

N. Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill building.

Successful intervention may involve remediation. Remedial responses to bully and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in

the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected when aware of bullying to report it in accordance with this policy, either refer the student to the designated resources for assistance or to intervene in accordance with this policy.

O. Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent(s) will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian and school administrator will collaborate to establish safety provisions that best meet the needs of the targeted student.

Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

P. Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff including but not limited to security, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development as to successfully support this policy and program.

Q. Non-Retaliation

All complaints and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

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:

- Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

- Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities - All students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Work to develop mechanisms to control their anger.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- 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.

Note: Students should consider school their place of business and conduct themselves accordingly.

IV. Essential Partners

A. Parents - All parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused. Students may be excused (legal absence) from school for student illness, illness or death in the family, quarantine, required court appearances, religious observance, attendance at health clinics, and approved college visits. Parents should be aware that parental notes are notes of explanation and not notes of excuse. Absences are excused only for the reasons previously cited. Under law, the responsibility for this judgment has been assigned to the school district.
- Recognize that children who are ill or who may be infectious to others should not be sent to school.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the district.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.

- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.

Note: Further information and description about public conduct on school grounds is noted in Section XIV. Parents/visitors should be familiar with those expectations and requirements too.

B. Teachers - All teachers are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.
- 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
- Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. Guidance Counselors - All counselors are expected to:

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.

D. Principals/Administrators - All principals/administrators are expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal/administrators for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Support the development of, and student participation in, appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. Superintendent is expected to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.

- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education is expected to:

- 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.
- 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.

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.

A student's dress, grooming and appearance, including but not limited to, hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Not include items or language that are vulgar, obscene, displays adult themes, be libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
3. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
4. Be such that all outer clothing must appropriately cover undergarments.

A. Long Pants:

Students may wear long pants that:

- Are neat and clean
- Are composed of intact and opaque fabric
- Meet the safety requirements set forth by specific student activities (i.e., shop, laboratories)

B. Footwear:

Students shall wear shoes/sneakers/boots that:

- Are neat, clean, and intact
- Are not a safety hazard to self or others

Note: footwear must be worn at all times

C. Shorts (Skorts):

Students **may** wear shorts that:

- Are neat and clean
- Are constructed of intact and opaque fabric
- Meet the requirements set forth by specific student activities (i.e., shop, laboratories)

Students **may not** wear shorts that:

- Have an inseam of less than three inches
- Are revealing or provocative

D. Skirts:

Students **may wear** skirts that:

- Are neat and clean
- Are intact and constructed of opaque fabric
- Meet the requirements of specific student activities (i.e., shop, laboratories)

Students **may not** wear skirts that:

- Are revealing or provocative
- Are higher than mid-thigh

E. Shirts:

Students **shall wear** a shirt that:

- Is neat and clean
- Is intact and constructed of opaque fabric
- Is constructed with a strap over each shoulder
- Is long enough to be tucked in
- Meets the requirements of specific student activities (i.e., shop, laboratories)

Students **shall not** wear a shirt that:

- Exposes the midriff
- Is an extremely brief garment; such as: tube-top, halter top, net-top, see-through, or has a plunging neckline (front or back)
- Has spaghetti straps

F. Dresses:

Students may wear dresses that meet the descriptions of shirts and skirts listed above (same rationale).

G. Outerwear:

Students may wear a jacket or coat to school as required by weather conditions. It must be removed upon entering the school building and placed in a locker during regular school hours and while in school buildings.

H. Hats/Head Apparel

Hats may be worn in the public areas of a school building (i.e., hallways, lobbies, entrances, corridors) and may only be worn in the classroom with the permission of the teacher.

NOTE: Teachers may withdraw permission at their discretion.

I. Gangs:

Defined:

The term gang as used in this policy refers to all groups of three or more individuals who share a common interest, bond or activity characterized by criminal, delinquent or otherwise disruptive conduct engaged in collectively or individually.

Gang attire:

No manner of grooming or apparel, including clothing, jewelry, hats, emblem and badges, which by virtue of color, arrangement, trademark, or attribute is associated with or denotes membership in or

affiliation with any gang will be permitted in school buildings, school grounds, buses or school activities on or off the school campus.

The following are prohibited:

- Lettering, patches, or insignia on backpacks, handbags, scarves, bandannas, or other personal items related to gang activity as recognized by the school administration.
- Use of colors, symbols, or styles related to gang activity as recognized by the school administration.

J. Miscellaneous:

The following are prohibited:

- Facial or body jewelry that presents a safety concern or serves to disrupt learning or orderly, appropriate conduct of students in school. Earrings for both male and female students are permitted.
- Wallet chains.
- Sunglasses or tinted eye wear worn inside school buildings.

Clubs, teams, and other groups of students must follow the “opt-out” provisions prior to wearing attire with the same or similar color, lettering, or insignia.

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, but not limited to, 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, but not limited to, out-of-school suspension.

K. Opt-out Provision:

School administration must be contacted regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. The opt-out provision shall be utilized prior to the occurrence of a dress code violation. If a request for an opt-out is denied the applicant may appeal the denial to the superintendent within five school days. If the superintendent denies the application, the applicant may appeal the denial to the Board of Education within five days of the superintendent’s written denial. The decision of the board will be final.

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 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.

A student shall be subject to disciplinary action in relation to the following:

- a) Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
- b) The use, possession, sale, gift, sharing or distribution of any drug or controlled substance, including prescription/over the counter drugs, marijuana or any instruments for the use of such drugs, controlled substance or marijuana such as a pipe, vaping materials/equipment, syringe or other paraphernalia, while on school premises (including buildings or grounds) or on a bus going to or from a school function or school-sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician, which is to be taken by the particular student at the time in question in concert with district's procedure regarding medications.

Note: If an administrator has suspicion that a student has consumed alcohol or has taken an illegal substance prior to or during school hours or at a school sponsored event, the student will be administered an alcosensor test or an oral (saliva) fluid based drug test as appropriate (any refusal to take either test will be considered as an admission of guilt).

- c) Stealing, lying, cheating, plagiarism, copying, altering records, other acts of dishonesty or assisting others to any of the aforementioned. (*High School students see Honor Code*)
- d) Engaging in conduct and/or behavior that endangers the health, safety and welfare of others. Examples include [but are not limited to]: bullying, intimidation, hazing, threatening, menacing, harassing or assisting others in any of the aforementioned.
- e) Engaging in any act of discrimination or harassment as defined in this code.
- f) Fighting or causing physical harm to another.
- g) Disrespect toward school personnel (faculty or staff).
- h) Possession or use of a weapon, which constitutes a firearm or destructive device, on school premises. School premises include school grounds, school buildings, a school bus or school sponsored activities at off campus locations.
- i) Possession or use of knives or other weapons not included in section (g) on school premises. School premises include school grounds, school buildings, a school bus or school sponsored activities at off campus locations.
- j) Students are not permitted to use electronic devices such as cell phones, MP3 players, iPods, radios, headsets, CD players, laser pointers, electronic games, etc. in school. The use of such electronic communication devices such as cell phones, texting devices, recording devices, etc., without prior consent of the principal's or his/her designee's consent is prohibited and will result in disciplinary action.
- k) Misuse or unauthorized use of technology including, but not limited to, school phones, computers, software, intra/internet or inappropriate web sites.
- l) Failure to comply with the directions of a teacher, administrator or other school employee.
- m) Trespassing – students are not permitted in other school buildings (other than the one they attend) without prior permission from the administration in charge of the building.
- n) Engaging in acts of sexual harassment as defined in the district's sexual harassment policy.

- o) Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words, which may incite or defame another person.
Note: Defame means to attack the good name of another by making false or unprivileged statements or representations about an individual or identifiable group of individuals that harms or intends to harm the reputation of a person or persons by demeaning them.
- p) Selling, using, sharing or possessing obscene material.
- q) Gambling
- r) Lateness for, missing or leaving school or class without permission or an excuse given by a faculty member.
- s) Any willful act, which disrupts the normal operation of the school community.
- t) Possessing tobacco products of any kind while on school district property, school transportation or at a school function.
- u) Smoking a cigarette, cigar, pipe, e-cigarette or vaporizer or using chewing or smokeless tobacco on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
- v) Disrupting the educational process.
- w) Interfering with the teacher's authority over the classroom.
- x) Acting as a violent pupil.
- y) Intentionally damaging or destroying the personal property of a student, visitor, teacher, administrator, or other district employee.
- z) Violates the civil rights of another student.
- aa) Violates the district's dress code.
- bb) Engaging in misconduct while on a school bus
- cc) Disruptive Behavior

Note: Acting in concert with or instigating others to do any of the above is also prohibited.

VII. Incident Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the Building DAC. Appeals shall be forwarded to the DAC at Mount Sinai School District, 118 North Country Road, Mount Sinai, New York 11766 within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100 Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct. The Dignity Act Coordinator (DAC) will prepare a report for the Superintendent based on complaints filed. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

An equitable and thorough investigation will be carried out by the Building DAC. In addition, the results of the investigation shall be reported back to both the target and the accused. If either of the parties disagree with the results of the investigation, they can appeal the findings. Verified bullying incidents that meet the

criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board has access to the annual VADIR report, as well as any other state required report relevant to bullying and/or school climate, for each building and for the district as a whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Note: In the case of a weapon found, particularly a firearm or destructive device, a call to 911 shall be made immediately.

VIII. Disciplinary Penalties

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 students' ability to grow in self-discipline.

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

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

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

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The range of penalties, which may be imposed for the conduct set forth in Section VI, is as follows:

- Verbal (i.e. oral) warning;
- Written warning;
- Written notification to parent;
- Probation;
- Reprimand;
- Detention;
- Suspension from transportation;
- Suspension from athletic participation;
- Suspension from social or extracurricular activities;
- Suspension of other privileges;
- Exclusion from a particular class;
- Involuntary transfer; or
- Suspension from instruction.

When the student repeatedly is substantially disruptive of the educational process (u) or substantially interferes with the teacher's authority over the classroom (v), or is violent (w), *he/she will be suspended for a minimum of five (5) days subject, however, to mitigation; the matter will be thoroughly investigated by the building administration and the discipline imposed will reflect the finding of the investigator. In all likelihood, repeat offenders will receive a harsher level of discipline (up to and including a Superintendent's hearing) than first time offenders.*

Any suspension from attendance upon instruction for violation of any section may be imposed only in accordance with Education Law § 3214(3).

The type and extent of punishment for violations of all sections except section (g) and beyond the minimum in relation to sections (u), (v), and (w) shall be *based upon the thorough investigation by the building administration; the discipline imposed will reflect the finding of the investigator. In all likelihood repeat offenders will receive a harsher level of discipline (up to and including a Superintendent's hearing) than first time offenders.*

In accordance with the Gun-Free Schools Law (20 U.S.C.A. § 3351), the Gun-Free Schools Act of 1994(20 U.S.C.A. §8921)~ New York State Education Law § 3214 (3), and this board policy, the punishment for violation of Section (g) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the superintendent shall determine to modify such punishment. The superintendent's determination shall be on a case-by-case basis.

The term "firearm" as used in Section (g) is defined in 18 U.S. C.A. § 921 (3) and shall include any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a weapon.

The superintendent shall refer a pupil who has been determined to have violated section (g) as follows:

- If the pupil is under 16 years of age to the Family Court in accordance with the Family Court Act, Article 3.
- If the pupil is 16 years of age or older to the appropriate law enforcement agency.

The term "violent pupil" is defined as follows: *(However, it is to be recognized that an "act of violence" upon another student may be warranted to avoid a higher act of violence being committed; or avoiding the placing in severe jeopardy a third party student or staff member; or being required to avoid the student suffering bodily injury to himself/herself.)*

A violent pupil is an elementary or secondary student under twenty-one years of age who:

- commits an act of violence upon a teacher, administrator or other school employee;
- commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
- possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- 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;

- threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
- 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
- knowingly and intentionally damages or destroys school district property.

The term "disruptive pupil" is defined as:

A disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

A teacher may remove a disruptive student from the classroom for a period not to exceed five class days in relation to (u) or (v).

School property or school premises means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the schools of the district or in, or on a school bus.

A school function shall mean a school-sponsored extracurricular event or activity.

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.

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 into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a 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 five (5) days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why 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 removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the 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 will attend the informal conference.

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

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

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

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

Suspension from school

Suspension from school is a penalty, which may be imposed 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 superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the commissioner 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. Minimum Periods of Suspension – *In accordance with the regulations of the Commissioner, the student Code of Conduct must include minimum periods of suspension for so-called “violent*

students” and students who are repeatedly “substantially disruptive of the educational process” or who “substantially interfere with a teacher’s authority over the classroom.”

Sections “a”, “b”, and “c” address those minimum periods of suspension. However, it is to be recognized that such minimum suspension periods are to be subject to reductions dependent upon the circumstances.

a) Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property would 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. In addition, if a student is disabled, there shall first be a meeting of the CSE to determine manifestation.

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student’s age
- The student’s grade in school
- The student’s prior disciplinary record
- The superintendent’s belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others
- Other extenuating circumstances

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

b) Students who commit violent acts other than bringing a weapon to school

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. If a student has a disability, a manifestation determination by the CSE may have to be made in appropriate circumstances.

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.

c) Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher’s authority over the classroom

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, “repeatedly 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. If the proposed penalty is the minimum five-day suspension, the same notice and opportunity for an informal conference will be given to 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 students subject to a long-term suspension.

If a student has a disability, a manifestation determination by the CSE may have to be made in appropriate circumstances.

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.

IX. *Referrals and Remedies*

- a) **Counseling** - The guidance office shall handle all referrals of students to counseling.
- b) **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:
 - Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
 - Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school
 - 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
- c) **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:
 - Any student under the age of 16 who is found to have brought a weapon to school
 - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42)

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

X. *Alternative Instruction*

When a teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate (immediate does not mean instantaneous) steps to provide alternative means of instruction for the student.

XI. *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 are entitled to 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 - 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 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - 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.
 - The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - 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.
- a) **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(h), 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.
- b) **“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.
- c) **“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.

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

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

- for more than 10 consecutive school days; or
- for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year 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.

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

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

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

The district's Committee on Special Education shall:

- 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.
- 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. 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 the 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.

- 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.
- A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - a) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - b) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

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.

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.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days may 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.

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.

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

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- 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.
- 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.

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.

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.

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

- 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 which a crime is reported.

XII. 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:

- Protect oneself, another student, teacher or any person from physical injury.
- Protect the property of the school or others.
- 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 as required by law.

XIII. Student Searches and Interviews

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. In addition, the board authorizes the superintendent, building principals, the school nurse 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 conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that 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. Strip Searches

There shall be no strip searches.

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:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

D. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the 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 in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to

remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

XIV. Visitors to the Schools

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

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report in and register at the reception/security desk. There they will be required to present valid photo identification and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out upon leaving.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal and classroom teacher(s), so that class disruption is kept to a minimum.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- 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.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XV. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. 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:

- Intentionally or recklessly injure any person or threaten to do so
- Intentionally or recklessly 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
- Disrupt the orderly conduct of classes, school programs or other school activities
- 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
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
- Obstruct the free movement of any person in any place to which this code applies
- Violate the traffic laws, parking regulations or other restrictions on vehicles
- 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
- 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
- Loiter on or about school property
- Gamble on school property or at school functions
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties
- Willfully incite others to commit any of the acts prohibited by this code
- 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:

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.

Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

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.

Staff members in the classified service of the civil service are entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

Staff members, other than those described in the preceding paragraph and this one, 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.

XVI. 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:

- Providing a copy of the "Code of Conduct" to all students at the beginning of each school year. The "Code of Conduct" will be in student handbooks, which are provided to students and parents.
- Posting the "Code of Conduct" on the "School District Website."
- Providing all current teachers and other staff members with a copy of the "Code of Conduct" and a copy of any amendments to the "Code" as soon as practicable after adoption.
- Providing all new employees with a copy of the "Code of Conduct" when they are hired.
- Making copies of the "Code of Conduct" available for review by students, parents and other community members. Copies of the "Code of Conduct" are also available upon request.

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 students, teachers, administrators, 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.

Robert M. Grable Jr.

MOUNT SINAI SENIOR HIGH SCHOOL

MOUNT SINAI, NEW YORK 11766

***Student / Parent Handbook and Code of Conduct Acknowledgement
2020 - 2021***

I acknowledge being informed by the Mount Sinai School District that the *Mount Sinai High School Parent / Student Handbook and Code of Conduct* can be accessed via the District's website at www.hs.mtsinai.k12.ny.us and by clicking on "Academics and Curriculum" located under the sub-heading "Parents." A hard copy of the *Mount Sinai High School Parent / Student Handbook and Code of Conduct* can be obtained via the high school main office upon written request.

Subsequently, it is my responsibility to read the *Mount Sinai High School Parent / Student Handbook and Code of Conduct* and be familiar with its content.

Student's Name: _____

Grade _____

Parent's/Guardian's Signature: _____

Date _____

Please return this form signed by Monday, September 28, 2020.