
GOUVERNEUR CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

Approved 7/9/2007 BOE Organizational Meeting
Revised 7/11/2011 BOE Organizational Meeting
Revised 8/27/2012 BOE Regular Meeting
Revised 8/26/2013 BOE Regular Meeting
Revised 6/23/2014 BOE Regular Meeting
Revised 6/27/2016 BOE Regular Meeting
Revised 6/26/2017 BOE Regular Meeting

INTRODUCTION

The Board of Education of Gouverneur Central School 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.

DEFINITIONS

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination, bullying and/or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

The District Dignity Act Coordinator will be the High School Principal. In addition, each Building Principal will serve as The Building Dignity Act Coordinator with designated building counselors serving as assistants.

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 (Education Law Section 11[1]).

School Bus means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

School Function means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

Harassment means the creation of a hostile environment by conduct or by threats, intimidation or abuse (verbal or non-verbal) that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, threats, intimidation or abuse (verbal or non-verbal) that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, threats, intimidation or abuse (verbal or non-verbal) includes but is not limited to conduct, threats, intimidation or abuse (verbal or non-verbal) based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

Race means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

National Origin means a person's country of birth or ancestor's country of birth.

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

Religion means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

Religious Practice means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Gender Role means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

Sexual orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

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

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.

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

- 1) Commits or attempts to commit an act of violence upon a school employee.
- 2) Commits or attempts to commit while on school property or at a school function, an act of violence upon another student or any other person on school property or at the school function.
- 3) Possesses, while on school property or at a school function, a weapon or any instrument that appears capable of causing physical injury or death.
- 4) Displays, while on school property or at a school function, what appears to be a weapon.
- 5) Threatens, while on school property or at a school function, to use a weapon.
- 6) Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function.
- 7) Knowingly and intentionally damages or destroys school district property.

Weapon means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box 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.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility.

It is the student's right:

- 1) To attend school in the district in which one's parent or legal guardian resides. →
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. →
- 3) To be respected as an individual. →
- 4) To express one's opinions verbally or in writing. →
- 5) To dress in such a way as to express one's personality. →
- 6) To be afforded equal and appropriate educational opportunities. →
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability. →
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. →
- 9) To be protected from intimidation, bullying, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. →

It is the student's responsibility:

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another, and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, bullying, harassment, or discrimination. To report and encourage others to report any incidents of intimidation, bullying, harassment or discrimination.

ESSENTIAL PARTNERS

Expectations for Parents

All parents are expected to:

- 1) Recognize that the education of their child(ren) is a joint responsibility of the parents or guardians and school community.
- 2) Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110).
- 3) Ensure that 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 rules are required to maintain a safe, orderly environment.
- 7) Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District *Code of Conduct*.
- 8) Convey to their children a supportive attitude towards education and the District.
- 9) Build good relationships with teachers, other parents and their children's friends.
- 10) Work with our schools to maintain open and respectful communication.
- 11) Help their children deal effectively with peer pressure.
- 12) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 13) Provide a place for study and ensure homework assignments are completed
- 14) Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

Expectations for Teachers

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image 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) Confront issues of discrimination, bullying and/or harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- 8) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 9) Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
- 10) Maintain confidentiality about all personal information and educational records concerning students and their families.

Expectations for School Counselors

- 1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2) Initiate and appropriately document teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- 3) Regularly review with the students their educational progress, career plans and graduation requirements.
- 4) Provide information to assist students with career planning.
- 5) Encourage students to benefit from the curriculum and extracurricular programs.
- 6) Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
- 7) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 8) Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
- 9) Maintain confidentiality about all personal information and educational records concerning students and their families.

Expectations for Student Support Service Personnel

- 1) Support educational and academic goals.
- 2) Know school rules, abide by them and enforce them in a fair and consistent manner.
- 3) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 4) Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
- 5) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 6) Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
- 7) Regularly review with students their educational progress and career plan.
- 8) Provide information to assist students with career planning.
- 9) Encourage students to benefit from the curriculum and extra-curricular programs.
- 10) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 11) Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Expectations for Other School Staff

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
- 3) Assist in promoting a safe, orderly and stimulating school environment.
- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 6) Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

Expectations for Principals

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- 3) Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
- 4) Support the development of and student participation in appropriate extracurricular activities.
- 5) Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- 6) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 7) Follow up on any incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

Expectations for the Superintendent

- 1) Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination, bullying and harassment, 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 School Board about educational trends, including 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) Address all areas of school-related safety concerns.

Board of Education

- 1) Collaborate with students, teachers, administrators 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) Approve 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) Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,

gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

- 4) Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

Student Use of Electronic Communication Devices

Students are prohibited from using 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 connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Prohibition of Cell Phones and Electronic Devices in New York State Assessments

Students are prohibited from bringing cell phones and certain other electronic devices into a classroom or other location where a New York State assessment is being administered, including but not limited to Regents Exams, Regents Competency Tests, Grades 3-8 Tests in English Language Arts and Mathematics, Grades 4 and 8 Science Tests, NYSESLAT, and the NYS Alternate Assessment.

Prohibited devices include, but are not limited to:

- Cell phones
- BlackBerry devices and other PDAs
- iPods and MP3 players
- iPads, tablets, and other eReaders
- Laptops, notebooks or any other personal computing devices
- Cameras or other photographic equipment
- Headphones, headsets, or in-ear headphones such as earbuds
- Any device capable of recording audio, photographic or video content, or capable of viewing or playing back such content

Test proctors, test monitors, and school officials shall have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them while the test is being administered, including break periods. Admission to the test shall be denied to any student who refuses to relinquish a prohibited device.

Some students with disabilities may use certain recording/playback devices provided that such an accommodation is specified in the student's IPE or 504 Plan. Prohibited devices further may be allowed if there is documentation from a medical practitioner on file at the school that a student requires such a device during testing. In all other cases, the prohibition as provided above remains in effect and the student may not enter the exam room with any prohibited device.

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 hair style/color, jewelry, make-up and nails, shall:

- 1) Be safe, appropriate and not disrupt or interfere with the education process.
- 2) Not be lewd nor offensive, nor contain sexually explicit messages, nor be material allowing another to see through to undergarments, nor to be otherwise determined by administration to be insufficient to properly cover a student. Examples of such insufficient garments may include shorts, tube tops, net tops, and halter tops.
- 3) Ensure that underwear is completely covered with outer clothing.
- 4) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- 5) Not include the wearing of hats or head coverings in the classroom except for a medical or religious purpose or designated school activities during the academic day.
- 6) Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
- 7) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- 8) Not be clothing, jewelry, symbols, etc. that are determined by the Administration to indicate membership in a group that exists to intimidate or threaten the safe and orderly operation of the school and/or the health and welfare of the staff and/or students.

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 out of 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.

PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner per the District Code of Conduct, 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 facilities and equipment. These expectations also apply to internships and student work experience.

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 develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property. 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 or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

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, 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) Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 4) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
- 5) Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
- 6) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

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 school employees in charge of students or otherwise demonstrating disrespect.
- 2) Lateness for, missing, or leaving school or class without permission.
- 3) Skipping detention.

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 school personnel in charge of students 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, punching, or 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, kicking, punching, or scratching) upon another student or any other person lawfully on school property or attempting to do so.
- 3) Engaging in bullying and/or harassing conduct, threats, intimidation, or abuse (verbal or non-verbal) that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- 4) Possessing a weapon (see definition). 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.
- 5) Displaying what appears to be a weapon.
- 6) Threatening to use any weapon(s).
- 7) Using weapon(s).
- 8) Intentionally damaging or destroying 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.
- 9) Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on 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 school personnel.
- 2) Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.

- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- 4) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
- 5) Harassment, the creation of a hostile environment by conduct or by threats, intimidation or abuse (verbal or non-verbal), that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- 6) 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.
- 7) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- 8) 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.
- 9) Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- 10) 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.
- 11) Selling, using, possessing or distributing obscene material.
- 12) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products, e-cigarettes and any other products containing nicotine, or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- 13) Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- 14) 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.

- 15) Gambling and gaming.
- 16) Inappropriate touching and/or indecent exposure. Engaging in displays of affection of a sexual nature, including but not limited to kissing, caressing, groping and other similar overt expressions of affection. Such behavior is inappropriate in the school environment and depending on the circumstances, including the age of the students involved, may also constitute criminal conduct.
- 17) Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
- 18) 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, fighting, harassment, and discrimination 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) Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
- 6) Violation of the District Acceptable Use Policy for technology.
- 7) Assisting another student in any of the above actions.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing or having knowledge of a student 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. All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Persons standing in the parental relationship to the student shall be notified of code violations by telephone, followed by a letter. The notification must identify the student and explain the conduct that violated the code of conduct.

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.

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

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

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

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

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The Gouverneur School District's Board of Education authorized its Superintendent of School and Building Principals to suspend students from instruction. Assistant Principals and Lead Teachers assist Principals with this task. Faculty

members are authorized to assign students to detention and time-out. Staff members may issue warnings and report misbehavior to the principals.

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

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.

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. Should parents decline detention an appropriate alternative penalty will be substituted.

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 Director of Transportation's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the district will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

In-school suspension. The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." 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. The Gouverneur School District supports three alternatives to students remaining in the classroom. 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 secondary classroom teacher may remove a disruptive student from class for the remainder of the period and one additional classroom period. The removal from class applies to the class of the removing teacher only. After meeting with the building administrator, or his/her designee, the student may be assigned to an alternative setting for additional class time.

An elementary classroom teacher may remove a disruptive student for a maximum of 45 minutes for each incident. Based on the student's behavior and teacher recommendation, the principal may extend the removal time. If the removal time is extended by the principal, the teacher, principal or designee, student, and whenever possible the parents or guardians, will conference before the student returns to class. If more than two incidents occur, the teacher, principal or designee, student, and parent or guardian, will conference before the student returns to class.

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, parent and principal 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 on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student, parent and principal 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. The teacher must make their intentions known by contacting the parent.

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 principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the

student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

The principal or 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 which shall include alternative educational programs appropriate to individual student needs, until he or she is permitted to return to the classroom. The principal or his/her designee will meet with the student, determine the alternative educational program, and make arrangements to ensure continued educational services. 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 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. 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 referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member. The superintendent or principal, upon receiving a 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.

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.

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.

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 on school property or attending a school function.

C. Minimum Periods of Suspension

1) Students who bring a weapon to school.

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

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

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the class-room 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

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

ALTERNATIVE INSTRUCTION

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

DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

- a. The Board, 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.
- 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, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 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.
 - “Weapon” “as used herein” which 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 pocket knife with a blade of less than 2 1/2 inches in length.”
 - “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.
 - “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.

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

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

- 1) The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 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.
 - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- 2) The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- conducted an individual evaluation and determined that the student is not a student with a disability, or
- determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

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

D. Expedited Due Process Hearings

- 1) An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel

maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 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.
- 2) 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 whom a crime is reported.

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.

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, building principals, assistant principals, dean of students, lead teachers, and the school nurse 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

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

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

The 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 items 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.

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:

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

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 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 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.

VISITORS TO THE SCHOOLS

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

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

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 on school property, including graffiti or arson.
- 3) Disrupt the orderly conduct of classes, school programs or other school activities.
- 4) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- 5) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, 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.

DISSEMINATION AND REVIEW

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, in an age-appropriate, plain-language version, at a general school 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) Providing 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 and provide opportunities to review and discuss this Code with the appropriate personnel.

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, via a committee of representative stakeholders, 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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.