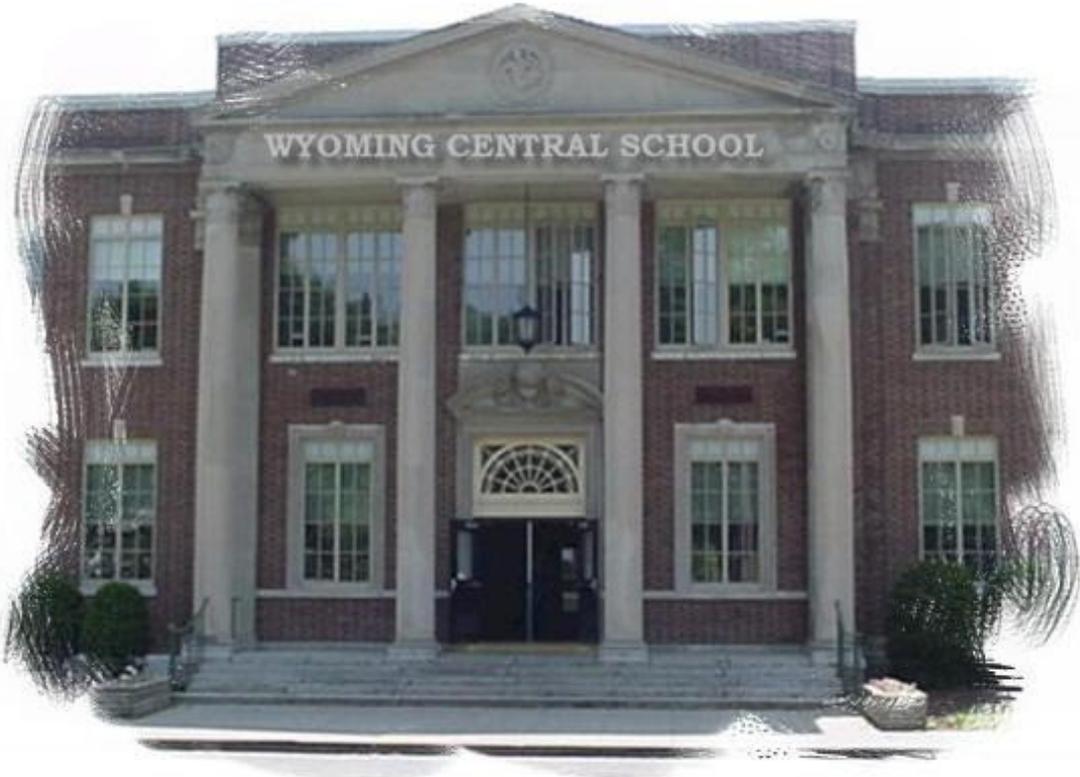


# WYOMING CENTRAL SCHOOL DISTRICT



## CODE OF CONDUCT



# Mission

In *partnership* with the community, the Wyoming Central School District is committed to enabling each student to reach his or her *highest potential*, instilling in each a commitment to *lifelong learning*, and thereby empowering each to achieve personal fulfillment in a *Global Community*.

## TABLE OF CONTENTS

	PAGE
INTRODUCTION	3
DEFINITIONS	3
STUDENT RIGHTS AND RESPONSIBILITIES	4
ESSENTIAL PARTNERS	5
STUDENT DRESS CODE	8
PROHIBITED STUDENT CONDUCT	9
REPORTING VIOLATIONS	11
DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS	11
ALTERNATIVE INSTRUCTION	18
DISCIPLINE STUDENTS WITH DISABILITIES	18
CORPORAL PUNISHMENT	22
STUDENT SEARCHES AND INTERROGATIONS	23
VISITORS TO SCHOOL	25
PUBLIC CONDUCT ON SCHOOL PROPERTY	26
DISSEMINATION AND REVIEW	27
Appendix A Consequence table	

## I. INTRODUCTION

The Board of Education, Superintendent, administration, teachers, support staff, parents and all invested stakeholders are committed to providing a safe and orderly school environment where students can 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.

We recognize the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("code").

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

## II. DEFINITIONS

For the purpose of this code, the following definitions apply.

"Disruptive student" means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"Parent" means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

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

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

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

"Bullying" is defined as a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful.

"Hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.

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

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

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

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

"Time Out" means temporary separation of a student from a classroom for a time frame of less than one instructional period.

### III. STUDENT RIGHTS AND RESPONSIBILITIES

<i><b>It is the student's right to:</b></i>		<i><b>It is the student's right to:</b></i>
To attend school in the district in which one's parent or legal guardian resides	→→→→→→	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 expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	→→→→→→	To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
To be respected as an individual.	→→→→→→	To respect one another and to treat others in the manner that one would want to be treated.
To express one's opinions verbally or in writing.	→→→→→→	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 in a way as to express one's personality	→→→→→→	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 afforded equal and appropriate educational opportunities.	→→→→→→	To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
To take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation or disability.	→→→→→→	To work to the best of one's ability in all academic and extracurricular activities and conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of	→→→→→→	To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.

providing direct assistance to students with serious personal problems.		
To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, sexual orientation, or disability, by employees or students on school property or at a school sponsored event, function, or activity.	→→→→→→→→	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, harassment or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

All Eighth Grade students have the responsibility to:

1. Follow the expectations stated above for all district students.
2. Conduct themselves appropriately based on the criteria stated in the Code of Conduct to enable them to participate in the 8<sup>th</sup> Grade class trip.
3. Comply with the District’s Reopening Plan as a result of the COVID-19 pandemic.

## IV. ESSENTIAL PARTNERS

### A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children’s friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed on time.
13. Comply with the District’s Reopening Plan as a result of the COVID-19 pandemic.

### B. Teachers

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students’ self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parent:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom management/discipline plan
  - f. Attendance expectations

- g. Communicate regularly with students, parents and other teachers concerning growth and achievement
- h. Maintain an Incident and Communication Log.
- i. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- j. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- k. Assist students in developing an Action Plan to enable all students to participate in the 8<sup>th</sup> Grade Class Trip.
- l. Comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

### **C. School Counselors**

All school counselors are expected to:

- 1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary as a way to resolve problems.
- 3. Regularly review with students their educational progress and career plans.
- 4. Provide information to assist students with career planning.
- 5. Encouraging students to benefit from the curriculum and extracurricular programs.
- 6. Comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

### **D. Director of Student Services/Administration**

The Director of Student Services/Administration is expected to:

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- 2. Ensure that students and staff have the opportunity to communicate regularly with the administrators and have access to the administrators for redress of grievances.
- 3. Maintain confidentiality in accordance with federal and state law.
- 4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- 5. Support the development of and student participation in appropriate extracurricular activities.
- 6. Provide support in the development of the Code of Conduct as needed, to and disseminate the code of conduct and anti-harassment policies.
- 7. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly.
- 8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 10. Address personal biases that may prevent equal treatment of all.
- 11. Comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

### **E. Dignity Act Coordinator**

The Dignity Act Coordinator is expected to:

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Identify curricular resources that support infusing civility into classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
3. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
4. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
5. Address personal biases that may prevent equal treatment of all students and staff.

## **F. Superintendent**

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

## **G. The Board of Education**

All Board of Education members are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with 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.
5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

## V. STUDENT DRESS CODE

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as muscle shirts, tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), see-through garments and pajama bottoms are not appropriate.
3. Recognize that garments should fit appropriately to cover the stomach area (the belly area will not show).
4. Recognize that pants and/or jeans will not be so low that underwear is visible.
5. Recognize that pants, jeans and/or skirts will cover all bare skin
6. Ensure that shorts and skirts will be long enough so that the hem of the shorts or skirt does not fall above the level of the student's fingertips when arms are straight at the sides.
7. Ensure that underwear is completely covered with outer clothing.
8. Include footwear at all times. Footwear that is a safety hazard will not be allowed. This includes flip-flops, rollerblade sneakers-heelys or extreme platform footwear.
9. Not include the wearing of hats in the school building except for a medical or religious purpose.
10. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, sexual orientation or disability.
11. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
12. Not include jewelry consisting of long heavy chains or dog chains on student clothing or body (i.e., neck area, arms).
13. Acceptable face coverings include but are not limited to cloth-based face coverings (e.g. Homemade sewn, quick cut, bandana, etc.), and surgical masks that cover both the mouth and nose. Students will utilize face coverings at all times with the following exceptions: Individuals are physically distanced (Six (6) feet/Protective barrier) and in a secure setting (Classroom, Office). The District will provide explicit instruction on appropriate times and locations for face covering breaks.
  - ★ Individuals who have provided the District with medical documentation supporting accommodations. Medical or sensory issues may impede an individual's ability to participate in the learning environment. The aforementioned individuals will wear an alternative barrier to protect others in the learning environment. Acceptable barriers include, but are not limited to: dust masks, face shields, etc.

The Superintendent shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

## VI. PROHIBITED STUDENT CONDUCT

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

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

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

1. Running in hallways
2. Making unreasonable noise.
3. Using language or gestures that are profane, lews, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend.
7. Failure to comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

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

1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Skipping after school study club.
5. Failure to comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

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

1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
2. Being late for school or class.
3. Being unprepared for class.
4. Failure to comply with the District's Reopening Plan as a result of the COVID-19 pandemic.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a student, teacher, administrator, other school employee, or any other individual, or attempting to do so.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property.

***E. Engage in any conduct that endangers the safety, morals, health or welfare of others.***

***Examples of such conduct include:***

1. Lying to school personnel.
2. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
3. Acts of sexual harassment as defined in the district's sexual harassment policy.
4. Selling, using or possessing obscene materials.
5. Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
6. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either "legal or illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, tobacco, look-alike drugs, and any substances commonly referred to as "designer drugs"
7. Inappropriately using or sharing prescription and over-the-counter drugs.
8. Hazing, which includes an induction, initiation, or a membership process involving harassment
9. Bullying, which consists of 1) repeated acts of harassment, intimidation, hazing and/or other ongoing inappropriate acts, 2) an imbalance of power, and 3) intent to do harm.
10. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an individual group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
11. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
12. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
13. Failure to comply with the District's Reopening Plan as a result of the COVID-19 pandemic

***F. Engage in misconduct while on a school bus.***

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

***G. Engage in any form of academic misconduct.***

Examples include, but are not limited to:

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

***H. Engage in Cyberbullying Behavior:***

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of

personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the “Tinker Standard” where a student’s off-campus “speech” may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Indep. Sch. Dist. 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the District Code of Conduct and possible referral to local law enforcement authorities.

## **VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

All students are expected to promptly report violations of the Code of Conduct to a teacher, counselor, Director of Student Services, Superintendent or his or her designee. Any student observing 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 Director of Student Services, the Director of Student Services’ designee or the Superintendent of Schools.

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

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

As soon as practical, the Superintendent/ Director of Student Services or his/her designee may notify the appropriate local law enforcement agency of those code violations that constitute a crime and/or substantially affect the order or security of a school. Parents have the right to notify local law enforcement and have the responsibility to do so if they desire to press charges.

## **VIII. DISCIPLINARY PROCEDURES AND PENALTIES**

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

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

1. The student’s age
2. The student’s prior disciplinary record

3. The effectiveness of other forms of discipline
4. Information from parents, teachers and/or others, as appropriate
5. 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. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **A. Consequences/Penalties:**

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

1. Verbal or written warning to students or parents – any member of the district staff
2. Removal from classroom – Teachers, Director of Student Services
3. Suspension from transportation – Director of Transportation, Director of Student Services, Superintendent
4. Detention - Teachers, Director of Student Services, Superintendent
5. Suspension from athletic participation – Coaches, Director of Student Services, Superintendent
6. Suspension/Removal from social or extracurricular activities – activity director/advisor, Director of Student Services, Superintendent
7. Suspension/Removal of other privileges- Director of Student Services, Superintendent
8. In-school suspension – Director of Student Services, Superintendent
9. Short-term suspension from school (five days or less)- Director of Student Services, Superintendent
10. Long-term suspension from school (more than five days) –Superintendent, Board
11. Permanent suspension from school – Superintendent, Board

### **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. Additional rights are explained below.

#### **1. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in another classroom or in an administrator's office; (2) sending a student into the hallway

briefly; (3) sending a student to the Director of Student Services' office for the remainder of the class time only; (4) sending a student to another district staff member for counseling; or (5) Institute a teacher detention. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a referral form and meet with the Director of Student Services 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 discuss the removal. If the Director of Student Services 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 Director of Student Services or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Director of Student Services or another district administrator must notify the student's parent, 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 Director of Student Services or their designee to discuss the reasons for the removal.

Where possible, notice can be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Director of Student Services may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Director of Student Services or their 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 Director of Student Services, or their designee may overturn the removal of the student from class if the Director of Student Services 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 or district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Director of Student Services or his/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. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Director of Student Services makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must document in writing for all cases of removal of students from his/her 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 Director of Student Services 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.

## **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Transportation Director's and/or an Administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that 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 parents will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

## **3. Detention**

Teachers, Administrators, 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.

## **4. Suspension from athletic participation, extra-curricular activities and other privileges**

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

## **5. Suspension from school**

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent/Director of Student Services.

Any staff member may recommend to the Superintendent/Director of Student Services that a student be suspended. All staff members must immediately report and refer a violent student to the Superintendent/Director of Student Services for a violation of the code of conduct. All

recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent/Director of Student Services, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

## **6. Short Term Suspension**

When the Superintendent/Director of Student Services (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 for 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 parent of the right to request an immediate informal conference with the Superintendent/Director of Student Services. Both the notice and informal conference shall be 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 Superintendent/Director of Student Services 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 Superintendent/Director of Student Services shall promptly advise the parents in writing of his or her decision. The Superintendent/Director of Student Services 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 Board of Education, with the District Clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

## **7. Long term (more than five days) Suspension from School**

When the Superintendent/Director of Student Services 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/Director of Student Services 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/Director of Student Services. The report of the hearing officer shall be advisory only, and the Superintendent/Director of Student Services may accept all or any part thereof.

An appeal of the decision of the Superintendent/Director of Student Services 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 preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent/Director of Student Services. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

## **8. Permanent suspension**

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

### **C. Minimum Period 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 subjected 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/Director of Student Services 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.

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before 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 over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on school grounds (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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 a hearing 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/Director of Student Services 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/Director of Student Services 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 engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and student's parent will be given the same notice and opportunity for a hearing given to all students subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and 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.

### **D. Referral to Outside Agencies:**

1. 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 possessing marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
2. 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 firearm to school, or
  - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42). The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **IX. ALTERNATIVE INSTRUCTION**

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

## X. DISCIPLINE OF STUDENT WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or 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.

**For purposes of this section of the code of conduct, the following definitions apply:**

- A. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
- B. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
- C. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
  - 1. For more than 10 consecutive school days; or
  - 2. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
- D. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
- E. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
- F. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
- G. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
- H. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
- I. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
- J. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

- K. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
- L. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
- M. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

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

- A. The Board, the District (BOCES) Superintendent of Schools or a Building Director of Student Services delegated the authority to suspend students 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.

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.

**Change of Placement Rule**

- A. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - 1. for more than 10 consecutive school days; or
  - 2. 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.
- B. 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.

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

A. The district's Committee on Special Education shall:

1. 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.

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

B. 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.

1. The Superintendent/Director of Student Services 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.

2. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

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

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

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

3. The district shall provide parents with notice of disciplinary removal not 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 decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner of Education 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 Regulations of the Commissioner of Education incorporated into this policy.

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.

### **Expedited Due Process Hearings**

A. An expedited due process hearing shall be conducted in the manner specified by Regulations of the Commissioner of Education incorporated into this policy, if:

1. 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.

1a. 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 any IAES.

1ai. 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.

1a.iii. 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 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 a 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.

## **Referral to Law Enforcement and Judicial Authorities**

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

A. 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.

B. The Superintendent/Director of Student Services shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

## **XI. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing the student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education, as stated in Policy #7330, 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 Superintendent/Director of Student Services, Designee, School Counselor, School Nurse, Head Custodian, and Teacher, 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, they make an admission against their own interest, 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 as not accurate.

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

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

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

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

#### **B. Strip searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do only if the Superintendent/Director of Student Services or the school attorney authorizes the search in advance. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of the law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will make every attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

### **C. Documentation of Searches**

The Superintendent/Director of Student Services, School Nurse or Head Custodian 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 informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type of 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 item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Superintendent/Director of Student Services shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Superintendent/Director of Student Services shall retain control of the items, unless items are turned over to the police. The Superintendent/Director of Student Services shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **D. 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.
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 Superintendent/Director of Student Services 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 parent shall be informed of the questioning or search, in writing, by the Superintendent/Director of Student Services as soon thereafter as possible. The Superintendent/Director of Student Services 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.

### **E. 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 or suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the Superintendent/Director of Student Services. The Superintendent/Director of Student Services shall set the time and place of the interview. The Superintendent/Director of Student Services 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 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 or 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.

### **XIII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other district citizens to visit the district's school 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. Due to the COVID-19 pandemic, visitors to the Wyoming Central School will be restricted. All approved visitors must participate in health screenings prior to accessing District facilities. All approved visitors must wear appropriate personal protective equipment.

The Superintendent/Director of Student Services is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

- A. Anyone who is not a regular staff member or student of the school will be considered a "visitor."
- B. All visitors to the school must report to the office of the Superintendent/Director of Student Services upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the school office before leaving the building.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
- D. 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.
  1. Lunch time is a time for students to interact socially. Parent(s) and/or guardians are encouraged to limit a request to eat lunch with their child to a special occasion only. Please make prior arrangements with the Superintendent and/or his designee.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
  1. Any unauthorized person on school property will be reported to the Superintendent/Director of Student Services. Unauthorized persons will be asked to leave.
- F. The police may be called if the situation warrants.
- G. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to provide 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.

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.

### **Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally fail to comply with the District's Reopening Plan as a result of the COVID-19 pandemic.
2. Intentionally injure any person or threaten to do so.
3. Intentionally damage or remove district property.
4. Disrupt the orderly conduct of classes, school programs or other school activities.
5. 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.
6. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles;
10. 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.
11. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray 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.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

### **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 immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law section 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 section 75. They shall be subject to immediate ejection and to disciplinary action as the facts

may warrant in accordance with Civil Service Law section 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 immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **Enforcement**

The Superintendent shall be responsible for enforcing the code of conduct required by this code. The Superintendent may designate the other district staff that are authorized to take action consistent with the code.

When the Superintendent or his/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 designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official 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 designated school official shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XV. DISSEMINATION AND REVIEW**

### **Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the code of conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

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

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

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

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

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

# Appendix A

## Wyoming Central School District Code of Conduct Consequence Table

### CONSEQUENCES/PENALTIES

The range of consequences/penalties, which may be imposed for violations for the student disciplinary code per the discretion of building administration, includes the following:

- Verbal warning
- Written warning
- Parent contact/conference
- Change of clothes (dress code violations)
- Written notification to parent
- Detention
- Extended detention
- Removal from school activities/grounds (outside of normal school hours)
- Suspension from transportation
- Suspension from athletic participation
- Suspension from special or extracurricular activities
- Suspension of other privileges
- In-school suspension of 1 day or less
- In-school suspension of 3 days or less
- Out of school suspension of 3 days or less
- Out of school suspension of 5 days or less
- Out of school suspension in excess of 5 days (superintendent’s hearing)
- Possible police contact

Administration will use the chart below and the Consequence Table that follows as a guide:

	<b>Up to and Including Level 1*</b>	<b>Up to and Including Level 2*</b>	<b>Up to and Including Level 3*</b>	<b>Up to and Including Level 4*</b>
<b>Teacher Options</b>	Verbal Warning Confiscation of Item(s) Written Assignment (related to offense) Restriction of Classroom Privileges Detention Phone Call to Parent/Guardian Conference with Student/ Staff	Referral to Office Teacher Removal (up to 2 full days/classes and part of a third day) Parent/Guardian conferences	Immediate referral to the office	Immediate Referral to Office
<b>Admin options</b>	Verbal Warning Confiscation of items Written assignment (related to offense) Restriction of Privileges Phone call to Parent or guardian Detention(s)	* May impose penalty for lower Class Offense Detention In-School Suspension (up to 5 days) *Social Suspension of all school sponsored activities (up to 30 days)	* May impose penalty for lower Class Offense Suspension from School (up to 5 days) Principal’s Hearing Request for Superintendent Hearing	* May impose penalty for lower Class Offense Referral to Local Law Enforcement Officials Superintendent Hearing Youth Court

Extended Detention In-School Suspension (up to 2 days)	Parent/Guardian Conference Suspension from School Principal Hearing Counseling Referral	Referral for Local Law Enforcement Officials 20-Week* Social Suspension of all school sponsored activities Referral to Substance Abuse Education	Alternative Educational Placement
---	--	--	-----------------------------------

- Administration reserves the right to make referrals/reports to outside agencies such as Probation, Police, Youth Court, etc. at any level in addition to or in lieu of the range of possible consequences/penalties.

### **CONSEQUENCE TABLE**

<b><u>Level 1 Offenses</u></b>
Tardiness to School or to Class
Unprepared to Class (or other disruptions to educational process)
Dress Code Violation/Inappropriate Attire
Mild Name Calling or Insults
Minor Disruptive Behavior (e.g. wisecracks, unnecessary noise, persistent talking, running in halls, disruptive bus behavior, etc.)
Minor Disruptive Behavior in Cafeteria (could result in removal from cafeteria during lunch)
Inappropriate Display of Affection (for students, anything beyond hand-holding/brief hugging)
Projectiles (paper-wads, rubber bands, laser pointers, etc.)
Nuisance equipment such as cell phones, MP3 players, I-Pods, etc. equipment will be confiscated and picked up by parent after 1st offense
<b><u>Level 2 Offenses</u></b>
Lying (false identification/accusation/defamation)
Using harsh, obscene, or profane language and/or other negative gestures toward or around others
Failure to abide by a reasonable requests/refusal to obey directions
Horseplay (pushing, shoving, wrestling without intent to harm)
Intentional failure to participate cooperatively in a school or class activity
Cheating, Copying, plagiarizing, altering records, or assisting another in such actions
Use of race, color, creed, national origin, religion, physical or mental disability, age, gender, sex, marital status, physical traits, or sexual orientation as a basis for treating another in a negative way
Failure to serve detention, correction room, suspension or other assigned consequences

Behavior that interferes with the learning of others in any learning environment, behavior disturbing the atmosphere or order, behavior that interferes with the safe and orderly environment of the school or school activity
Possession and/or use of any tobacco or tobacco products, electronic smoking devices, or drug paraphernalia, including possession with the intent to sell, give/deliver, or distribute on school grounds or during school activities. Possession and/or use of tobacco, tobacco products, electronic smoking devices or drug paraphernalia by students is prohibited
Unlawful absence without parental or guardian knowledge
Multiple Level 1 Offences in one incident/referral/report 3rd and 4th Level 1 or greater offense within 1 month
<b><u>Level 3 Offenses</u></b>
Any unauthorized use of computers, software, or an internet /intranet account to access the internet /intranet; accessing inappropriate websites; misuse of a website internet/intranet account or internet /intranet resource
Possession or use of cigarettes, chewing tobacco, or any tobacco product Possession or use of lighters, matches, e-cigs
Intentional or reckless act(s) directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team
Harassment (without physical contact): derogatory, obscene slurs or threatening material, stalking, coercion, intimidation, extortion, discrimination, hazing
Sexual Harassment (without physical contact): derogatory, obscene slurs or threatening material that is sexual in nature; coercion, intimidation, or discrimination based on sex/gender, verbal sexual harassment, sexually explicit comments, etc.
Physical Sexual Harassment/Offense: Inappropriate sexual contact; touching or grabbing a private body part such as genitalia, breast or buttocks; brushing up against or rubbing against another in a sexual manner or removing clothing to reveal underwear or private body parts/indecent exposure.
Bullying: Consisting of 1) ongoing and repeated acts of harassment, intimidation, hazing, threats, and/or other inappropriate acts, 2) an imbalance of power, and 3) intent to do harm.
Minor physical altercations/pushing/shoving/contact without physical injury; scratching, unwanted physical contact with intent to alarm or seriously annoy another person without physical injury, physical contact that threatens another with harm
Threats toward staff (includes coercion, stalking, intimidation, slurs, obscenity to staff)
Multiple offenses in one incident/referral/report with at least one level 3 offense included
<b><u>Level 4 Offenses</u></b>
Possession or use of any alcoholic substance on school property, including possession with intent to sell, give, deliver, or distribute
Possession of a Weapon (or displaying anything which may be construed/used as a weapon; or threatening to use a weapon) Referral to outside agency

Possession, use or sale of fireworks/arson
Theft, robbery, burglary, larceny, vandalism, graffiti or tampering with safety equipment with intent to alarm or do harm
Intentionally or recklessly causing physical serious injury to another person with or without a weapon. Serious physical injury requires hospitalization or treatment in an emergency room.
Dangerous Behavior (potentially seriously injurious to oneself or to others): Subjecting individuals to serious danger by recklessly engaging in conduct that could include potential serious damage to property or potential serious physical injury to another person; fighting, bomb threats, false alarm, inciting riots, throwing objects, choking, driving erratically, and/or obstructing vehicular traffic
Sexual Misconduct (forcible compulsion, attempted or completed sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact with or without a weapon including rape and/or sodomy)
Multiple offenses in one incident/referral/report with at least one level 4 offense included