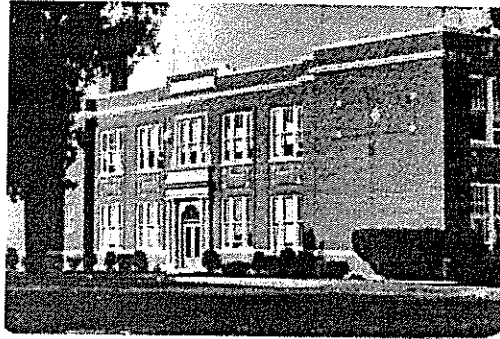


# Marathon Central School District



## Expected Conduct for Adults and Students in the Marathon Central School District



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Safe Schools Against Violence in Education  
SAVE Legislation

Adopted by Board of Education  
May 15, 2001

*"Enabling all students to achieve academic success, become responsible citizens, and realize their full potential."*

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## I. INTRODUCTION

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

## II. DEFINITIONS

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

Disruptive Student – 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 – The biological, adoptive or foster parent, guardian, or person in parental relationship to a student.

School Property – 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 section 142.

School Function – Any school-sponsored extra-curricular event or activity.

Violent Student – A student under the age of 21 who:

- Commits an act of violence upon a school employee.
- 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.
- Possesses a weapon while on school property or at a school function.
- Displays what appears to be a weapon while on school property or at a school function.
- Threatens to use a weapon while on school property or at a school function.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

Weapon – A firearm as defined in 18 USC section 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, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause serious physical injury or death when used as a weapon.

## III. STUDENT RIGHTS AND RESPONSIBILITIES

### A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

- A safe, healthy, orderly, and civil school environment.
- Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation, or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel.

## **B. Student Responsibilities**

All district students have the responsibility to:

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

## **IV. ESSENTIAL PARTNERS**

### **A. Parents / Guardians**

All Parents / Guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians 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 unless legally excused.
4. Insist their children be dressed and groomed in a manner consistent with the school dress code.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Know and abide by school rules and help their children to do the same.
7. Convey to their children a supportive attitude toward education and to the school community.
8. Build good relationships with school staff, other parents/guardians, and their children's friends.
9. Help their children deal effectively with peer pressure.

10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and assist in ensuring homework assignments are completed.
12. Contribute to the health and safety of all individuals in the school environment. To promptly report any threats, discussion or plans for harm directed toward any individuals or property to the appropriate school officials.

#### **B. District Personnel**

All personnel are expected to:

1. Recognize that education of the child(ren) is a joint responsibility of the parents and the school community.
2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
3. Know school policies and rules, and abide by and enforce them in a fair and consistent manner.
4. Contribute to the health and safety of all individuals in the school environment. To promptly report any threats, discussion or plans for harm directed toward any individuals or property to the appropriate school officials.
5. Communicate regularly with students, teachers, parents, and other staff concerning student growth and development.
6. Regularly participate in staff development and other training to continually improve their skills.

#### **C. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach each and every day.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and abide by and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - A. Course objectives and requirements
  - B. Marking / grading procedures
  - C. Assignment deadlines
  - D. Expectations for students
  - E. Classroom discipline plan
6. Communicate regularly with students, teachers, parents, and other staff concerning student growth and development.
7. Regularly participate in staff development and other training to continually improve their skills.

#### **D. Guidance Counselors**

All guidance counselors are expected to:

1. Assist students in coping with peer pressure and/or emerging personal, social, and emotional problems.

2. Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems and assist with academic improvement.
3. Regularly review with students their educational progress and career plan/portfolio requirements.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Know school policies and rules, abide by and enforce them in a fair and consistent manner.
7. Communicate regularly with students, teachers, parents, and other staff concerning student growth and development.
8. Regularly participate in staff development and other training to continually improve their skills.

#### **E. Principals**

All principals are expected to:

1. Promote a safe, orderly, and stimulating school environment that supports active teaching and learning each and every day.
2. Ensure that students and staff have the opportunity to communicate freely with the principal on areas of interest.
3. Evaluate all instructional programs on a regular basis.
4. Support development of and participation in all school sponsored activities above and beyond the academic classroom.
5. Be responsible for enforcing the code of conduct and ensuring that all issues are resolved promptly and fairly.
6. Know school policies and rules, abide by and enforce them in a fair and consistent manner.
7. Communicate regularly with students, teachers, parents, and other staff concerning student growth and development.
8. Regularly participate in staff development and other training to continually improve their skills.

#### **F. Superintendent**

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment that supports active teaching and learning each and every day.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about educational developments and issues.
4. Work to create effective instructional programs that are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all issues are resolved promptly and fairly.
6. Know school policies and rules, abide by and enforce them in a fair and consistent manner.
7. Communicate regularly with students, teachers, parents, and other staff concerning student growth and development.
8. Regularly participate in staff development and other training to continually improve their skills.

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

The Board of Education is expected to:

1. Collaborate with students, teachers, administrators, parent organizations, school safety personnel, and other district personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review at least once a year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Regularly participate in appropriate staff development and other training to continually improve their skills.
4. Know school policies and rules, abide by and enforce them in a fair and consistent manner.

## V. STUDENT DRESS CODE

Every student needs to come to school prepared to learn and interact with adults and substantial numbers of other students. With this in mind, students need to give proper attention to personal cleanliness and to dress appropriately for the daily school environment, as well as all school sponsored events and functions. The teaching staff, administration, and all other school district personnel should exemplify and reinforce acceptable student dress and help the students develop an understanding of appropriate appearance in the school setting.

### A. General Appearance

In general, a student's dress, grooming, and appearance (including hair style/color, jewelry, make-up, and nails) shall be safe, appropriate, and will not disrupt or interfere with the educational process.

#### *Student dress must:*

1. Not include garments such as tube tops, halter tops, midriffs, spaghetti straps, plunging necklines (back and front), short skirts, short shorts, any see-through garments or other such items deemed inappropriate.
2. Ensure that underwear is completely covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not bear an expression, picture or insignia that is vulgar, obscene, or libelous or that denigrates any individual or group based upon race, sex, color, sexual orientation, religion, ancestry, or disability.
5. Not promote or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
6. Not be comprised of any article or item that could be used as a weapon or that has no reasonable purpose in a school.
7. Not display words or pictures that offer a "double meaning" that may be sexual or offensive in nature.

### B. Hats & Coats

Hats and coats are to be stored in student lockers. No hats or coats will be allowed in classrooms, hallways, the cafeteria, or any offices or other areas.

### C. Extracurricular Activities

It should be understood that students who participate in any extracurricular activities may be asked to meet a higher expectation regarding their dress. When in a position of representing the school district and

the community as an “ambassador,” these students have additional responsibility to meet guidelines for dress as prescribed by their advisor, coach, chaperones, or Building Principal.

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

Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, by replacing the item. Any student who refuses to do as instructed or who fails to comply shall be subject to discipline, including suspension from school.

## **VI. ADULT DRESS CODE**

It is incumbent upon all adults in the school environment to develop a keen awareness of the image our dress projects to our students. We intend to present our profession to the students and to the community in a manner that presents a positive example and openly demonstrate our pride in being educators. Everywhere staff travels in a professional capacity with students, clubs, teams, colleagues, or individually, the attire should portray us as dedicated professionals. This positive example demonstrates the seriousness with which the important task of educating the children of the school district is approached by all. We must set forth a good example for our students, parents, and community in dressing appropriately for work. With this in mind, the following guidelines have been provided for employees of the Marathon Central School District.

### **A. Instructional Personnel**

This section encompasses any staff member who daily has direct contact with the students and/or community, including administrators, teachers, counselors, teaching assistants, aides, health care professionals, and office personnel. These personnel are front line ambassadors to our educational community. We must openly demonstrate our professionalism in a manner that shows an understanding of this responsibility, as well as clearly showing a distinction between us and the student body.

It should be understood that there are specific work areas where attire that deviates from these guidelines is acceptable, and to some extent, expected. These areas include physical education stations, the industrial arts shop, and some laboratory classes. Also, it is recognized that certain specific events and/or “theme days” may create an educational need where these guidelines will be adjusted to fit the specific nature of the occasion.

Male staff are encouraged to wear:

- Shirts with a collar and tie
- Dress slacks with a belt or suspenders, socks, and shoes
- Sports coats and turtlenecks
- Business suits
- Dress shirts with banded collars
- Sweaters
- Vests
- Dress boots or dress shoes with socks

Female staff are encouraged to wear:

- Dresses
- Business suits/dresses
- Skirts and blouses
- Slacks and blazers
- Pantsuits
- Sweaters
- Vests
- Dress shoes or dress boots



The following attire for Instructional Personnel is discouraged:

- Overalls
- Shorts
- Skorts
- Sweatpants or other athletic wear
- Sneakers
- T-Shirts
- Hats
- Flannel shirts

#### **B. Custodial Personnel**

This section encompasses any staff member who daily has responsibility for cleaning and/or repairing the facility or grounds. Attire for these individuals is largely dictated by this responsibility, but will include specific work attire as determined by the district.

#### **C. Cafeteria Personnel**

This section encompasses any staff member who daily has responsibility for food preparation and/or care of the food service facility. Attire for these individuals is largely dictated by this responsibility, but will include specific work attire as determined by the district.

#### **D. Transportation Personnel**

This section encompasses any staff member who daily has responsibility for transporting students and staff and/or maintaining transportation equipment and facilities. Attire for these individuals is largely dictated by this responsibility, but will include specific work attire as determined by the district.

## **VII. 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. The Board also expects proper regard 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 specific and clear its expectations for student conduct while on school property or engaged in a school function. 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 rules will be required to accept the penalties for their conduct.

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
  - 1. Engaging in any willful act which disrupts the normal operation of the school community.
  - 2. Running in hallways.
  - 3. Making unreasonable noise.
  - 4. Using abusive or lewd language or gestures, including racial or ethnic remarks, which are improper.
  - 5. Obstructing vehicular or pedestrian traffic.
  - 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - 7. Creating a hazardous or physically offensive condition by an act which serves no legitimate purpose.
  
- 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 district personnel, or otherwise demonstrating disrespect.
  - 2. Lateness to, missing from, or leaving school without permission.
  - 3. Skipping detention or refusing to report to Time Out/In School Suspension.
  
- 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 district personnel.
  - 2. Presenting conduct or behavior that interferes with the educational process and/or disrupts student learning.
  
- D. Engage in conduct that is violent. Examples of violent conduct include:
  - 1. Committing an act of violence (such as hitting, kicking, biting, punching, and scratching) upon a teacher, administrator, or other district personnel.
  - 2. Committing an act of violence (such as hitting, kicking, biting, punching, and scratching) upon another student or any other person lawfully on school property.
  - 3. 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. "Weapon" means gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, or other dangerous instrument that can cause physical injury or death. Also included are explosive or incendiary bombs or such components that could construct an explosive or incendiary device.
  - 4. Displaying what appears to be a weapon.
  - 5. Threatening to cause physical harm or to use any weapon.
  - 6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district personnel, or any person lawfully on school property, including graffiti or arson.
  - 7. Intentionally damaging or destroying school property.
  - 8. Possessing any other item that has no legitimate educational purpose and is intended to be used to bring harm to others or to destroy property.

- E. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:
1. Lying to district personnel.
  2. Stealing the property of other students, district 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 material.
  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. "Illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substance commonly referred to as "designer drugs."
  7. Selling or inappropriately using or sharing prescription and over-the-counter drugs.
- F. Engage in misconduct while on a school bus. Students should refer to Board of Education policy #5320. 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 in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the district's code of conduct. Bus rules and regulations include:
1. The bus driver is in charge of the bus and those who ride it. His/Her directions must be followed.
  2. Stay in your assigned seat. Boys and girls should sit separately.
  3. Respect all individuals who are riding the bus.
  4. Loud noises and abusive or offensive language cannot be tolerated.
  5. Glass containers of any kind cannot be allowed on the bus.
  6. Use of controlled substances, possession of weapons, drugs or alcohol, acts of vandalism, and littering will not be tolerated.
  7. Always keep yourself and others safe while waiting for the bus, during the ride, and as you leave the bus.
  8. For students who wish to carry large items (projects, musical instruments) on the bus, parents should note that there are restrictions. Call the bus garage for more information.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
  2. Cheating.

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

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 Building Principal or the Superintendent. Any weapons, alcohol, or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The Building Principal must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime.

## **IX. 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. 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.

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:

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

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

If the conduct of a student is related to a disability or suspected disability, the students 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. Penalties**

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination with one 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 warning (any member of the district staff).
2. Written referral (bus driver, hall and lunch monitors, supervisory personnel, teachers, Principal, Superintendent).
3. Written or verbal notification to parent (bus driver, hall and lunch monitors, supervisory personnel, teachers, Principal, Superintendent).
4. Temporary removal from the classroom through short-term, time-honored classroom management techniques such as "time out" in an elementary setting or in an administrator's office or by sending students briefly into the hallway (hall and lunch monitors, supervisory personnel, teachers, Principal, Superintendent).
5. Detention (teachers, Principal, Superintendent).
6. Suspension from transportation (Principal, Superintendent).

7. Suspension from athletic participation (Principal, Superintendent).
8. Suspension from social or extracurricular activities (Principal, Superintendent).
9. Suspension of other privileges (Principal, Superintendent).
10. In-school suspension (Principal, Superintendent).
11. Short-term (five days or less) suspension from school (Principal, Superintendent, Board of Education).
12. Long-term (more than five days) suspension from school (Principal, Superintendent, Board of Education).
13. Permanent suspension from school (Superintendent, Board of Education).

## **B. Procedures**

Any bus driver, hall/lunch monitor, supervisory personnel, teacher, administrator, Superintendent, Board member, parent, or other person may report a violation of the Prohibited Student Conduct section of this document to the Building Principal or his/her designee. The school personnel authorized to impose the penalty will then make an investigation of the charges as deemed appropriate and may institute an informal or formal disciplinary proceeding. If appropriate, a referral to the Committee on Special Education, may be necessary.

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

Students who are to be given penalties other than a verbal warning, written referral, written or verbal notification to their parents, or detention during school hours are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### After School Detention

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

### Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Building Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent. 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 section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Building Principal to discuss the conduct and the penalty invoked.

### 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 section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty invoked.

### In-school Suspension & Time Out

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and the Superintendent to place students who would otherwise be suspended from school as a result of a code of conduct violation in "in-school suspension." In-school suspension is the temporary assignment of students to another area of the school building designated for in-school suspension.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty invoked.

The concept of using "time out" as a disciplinary measure is more commonly used in an elementary setting. The primary distinction between time out and in-school suspension is that time out may be assigned for shorter periods of time.

### Suspension from School

Suspension from school is a severe penalty. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

All staff members must immediately report and refer a student to the Principal or the Superintendent for a serious violation(s) of the code of conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member.

The Superintendent or the Principal, when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

#### 1. Short Term (five days or less) Suspension from School

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

The notice shall provide a description of the charges against the student and the incident for which the suspension is proposed and shall inform the parent of the right to request an immediate

informal conference with the Principal. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and the 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 presence does pose such a danger or threat of disruption, the notice and the opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the 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.

### 2. Long Term (more than five days) Suspension from School

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and must be submitted to the district clerk within 10 days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### 3. Permanent Suspension

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

## **C. Minimum Periods of Suspension**

### Students Who Bring a Weapon to School

Any student, other than a student with a disability [for students with a disability, see the end of this part], in accordance with the Gun-Free Schools Act of 1994, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law section 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school, or
- 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.

In the case of a student who is classified as possessing a disability under the Individuals with Disabilities Act and Part 200 of the Commissioner's Regulations, or as having a handicapping condition within the meaning of Section 504 of the Rehabilitation Act of 1973 and its accompanying regulations, the district shall follow the appropriate procedures in imposing any discipline under these procedures.

## **X. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class or a student of compulsory attendance age is suspended from school pursuant to Education Law section 3214, the district will take immediate steps to provide alternative means of instruction for the student. Alternative instruction may be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

## **XI. DISCIPLINE OF STUDENTS 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.

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

#### **A. Authorized Suspensions or Removals of Students with Disabilities**

For the purposes of this section, the following definitions apply.

- A “suspension” means a suspension pursuant to Education Law section 3214.
- A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than suspension and/or a change in placement to an interim alternative educational setting (IAES) in accordance with Part 201 of the Regulations of the Commissioner of Education.

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

- The Board, the District Superintendent of Schools, or a Building Principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive days and not to exceed the amount of time a non-disabled student would be subject for the same behavior.
- The Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under the above paragraph for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- The principal may order additional suspensions, not to exceed five days at any one time, provided that the cumulative days out of school do not constitute a change in placement. The Superintendent of Schools may order additional suspensions, not to exceed 10 days at a time, provided they do not create a change in placement and may order a suspension in excess of 10 consecutive school days if the CSE determines that the misbehavior is not a manifestation of the disability.
- 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 at a school function.
  1. “Weapon” means a firearm as defined in 18 U.S.C. section 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, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, material, or substance that can cause serious injury or death when used as a weapon.
  2. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the controlled Substances Act or any other federal law.
  - 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. The District also may apply to a state or federal court to change a student's placement if the student is likely to injure self or others and the student's parents do not agree to a change in placement.

#### **B. Change of Placement Rule**

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

- For more than 10 consecutive school days; or
- For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.

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

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

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

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

- The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## **XII. CORPORAL PUNISHMENT**

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

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

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

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

### **XIII. STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes the Superintendent, the Building Principals, and other staff who are so directed by the Superintendent and/or the Building Principals 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.

Before searching the 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 to get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Wherever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

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

#### **B. Strip Searches**

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 so only if the search is authorized by the Superintendent or the school attorney. 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 school 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 school district professional employee who is also of the same sex as the student.

In every case, the school official conducting the strip search must have probable cause—not simply reasonable cause—to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting the 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 attempt to notify the student’s parent by telephone before conducting the strip search, or in writing after the fact if the parent could not be reached by telephone.

**C. Securing of Evidence**

The Superintendent and/or Building Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The Superintendent and/or the Building Principal shall retain control of the items, unless the items are turned over to the police. The Superintendent and/or Building Principal 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 if they have:

- A search or an arrest warrant.
- Probable cause to believe a crime was committed on school property or at a school function.
- Been invited or admitted onto the grounds by school officials.

Before police officials are permitted to question or search any student, the Superintendent or Building Principal 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 or Building Principal as soon thereafter as possible. The Superintendent, Building Principal, or his/her designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

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

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

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

#### **XIV. VISITORS TO THE SCHOOLS**

To promote effective communication between the citizens of the community and the school system, the Board of Education encourages parents and other citizens to visit their schools periodically during the course of the school year.

The Board recognizes that many visitations that will occur are regularly scheduled events, e.g., parent-teacher organization meetings, public gatherings, registering of pupils, etc. There are also occasions when parents or guardians desire to visit their child's classroom at other than regularly scheduled times. When such visitations occur, they shall be made on the basis of a defined need and shall be made only with the approval of their child's teacher and the Building Principal. The Board views these visits as constructive; however, no such visit shall be permitted to interfere with the educational process.

Anyone who is not a regular staff member or student of the school district will be considered a "visitor."

Persons who are not students or staff shall report immediately to the appropriate Principal's office upon entering school property. The Principal or his/her designee will either grant or deny permission to remain on school property. Before moving from the office to the designated location, visitors will be required to sign the visitor's register and be issued a visitor's identification badge, which must be prominently worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office and sign out before leaving the building.

Student visitors from other schools, unless they have a specific reason and prior approval of the principal, shall not be given permission to enter school buildings. New students accompanied by their parents are always welcome.

All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct. Visits to school buildings and grounds are to be in accordance with the Board regulations posted in conspicuous places. A violation of the visitation policy shall be prosecuted pursuant to New York State law.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create 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.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

- Enter any portion of the school premises or property without authorization or remain in any building or facility after it is normally closed.
- Refuse to comply with any lawful order of identifiable school district officials performing their duties.
- Possess or use firearms or other weapons including (but not limited to) 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 as specifically authorized by the school district.
- Use tobacco products on school property or at a school function.
- Intentionally injure any person or threaten to do so.
- Intentionally damage or remove district property.
- Disrupt the orderly conduct of classes, school programs, or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation, or disability.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations, or other restrictions on vehicles.
- Possess, consume, sell, distribute, or exchange alcoholic beverages, and/or controlled substances, or be under the influence of either on school property or at a school function.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function.

### **B. Penalties**

Persons who violate this code may be subject to any or all of (but not limited to) the following penalties:

- The person may be directed to correct the inappropriate action(s) or behavior.
- The person may be directed to leave school property. Refusal to abide by a direction to leave may further result in a charge of criminal trespass in the 3<sup>rd</sup> degree as per section 140.10 of the NYS Penal Code.

- The person may be denied future access to school property and/or school functions without prior written permission from the superintendent or his/her designee.
- The person may face civil or criminal legal action.
- If a district student, the person may be subject to penalties as indicated in this code of conduct.

### **C. Enforcement**

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate other district staff who 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.

## **XVI. DISSEMINATION AND REVIEW**

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

- Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
- 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.
- 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.
- Providing all new employees with a copy of the current code of conduct when they are first hired.
- Making copies of the code available for review by student, 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 recommendation 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.