



**INDIAN RIVER CENTRAL SCHOOL DISTRICT
PHILADELPHIA, NEW YORK 13673**

CODE OF CONDUCT

INDIAN RIVER CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

- I. Introduction
- II. Definitions
- III. Student Rights and Responsibilities
- IV. Essential Partners
- V. Dignity for All Students Act
- VI. District's Staff/Student Dress Code
- VII. Prohibited Student Conduct
- VIII. Reporting Violations
- VIX. Disciplinary Penalties, Procedures and Referrals
- X. Remedial Responses to Violations of the Code of Conduct
- XI. Alternative Instruction
- XII. Discipline of Students with Disabilities
- XIII. Corporal Punishment
- XIV. Searches and Interrogations
- XV. Visitors to the Schools
- XVI. Public Conduct on School Property
- XVII. Dissemination and Review

INDIAN RIVER CENTRAL SCHOOL DISTRICT

Code of Conduct

I. INTRODUCTION

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

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).¹

Unless otherwise indicated, this code applies to everyone on school property or attending a school function. Furthermore, all policies of the Indian River Central School District are in effect and apply to everyone on school property or attending a school event.

II. DEFINITIONS

A. “Cyberbullying” means “harassment” or “bullying”, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad.

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

C. “Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to,

¹ This does not rule out the possibility of discipline for off-campus conduct violative of this code when such conduct endangers the health or safety of pupils within the educational system or adversely affects the educative process. The District reserves the right to discipline in appropriate cases for such off-campus conduct.

discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

D. "Disruptive" means any act that interrupts or stops the normal flow of activity.

E. "Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Sections 11[4] and 1125[3]).

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

G. "Harassment" and "Bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:

- a. on school property; and/or
- b. at a school function; or
- c. off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. "Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education. (See Education Law Section 11[7]).

Bullying real or perceived, may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying may be a single act or a series of occurrences.

H. "Hazing" means a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

I. “Illegal Substances” means alcohol, controlled substances (except for those legally possessed or used under the supervision of a licensed health-care professional, or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State law), inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs (including synthetic cannabinoids), and any substances commonly referred to as “designer drugs”.

J. “Inappropriate” means any action or verbalization that does not fit the particular situation (standard).

K. “Insubordination” means overt or covert refusal to comply with authority.

L. “Material incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

M. “Parent” means parent, guardian, or person in a parental relationship to a student as designated by law.

N. “Retaliation” occurs when any member of the school community retaliates against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have retaliated even if the underlying complaint of harassment is not found to be a violation of this code of conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

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

P. “School function” means any school sponsored extra-curricular or co-curricular event or activity (Education Law Section 11[2]).

Q. “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 the District (a public) elementary, middle, or secondary schools, or on a school bus (Education Law Section 11 [1] and Vehicle and Traffic Law Section 142).

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

S. “Threat” means stated or implied intent to do harm.

T. “Vandalism” means intentional destruction or defacing of property.

U. “Violent student” means a student under the age of 21 who:

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 a school function, or attempts to do so.
3. Possesses, 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 person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

V. “Weapon” means a firearm defined under Education Law section 12:151 under the Gun Free Schools Act, and any device, instrument, material, or substance, animate or inanimate that is used for, or is readily capable of causing death or serious physical injury, and any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, BB gun, starter gun, pellet gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife, brass (or lexan) knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, chukka sticks, electronic stun gun, and pepper spray or other noxious spray. Weapon shall also mean pocket, pen or other knife, look-alike fake weapon or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death, or when such item is brandished as a weapon.

III. STUDENT RIGHTS AND RESPONSIBILITIES

The District is committed to providing all students and staff with a safe, healthy, orderly and civil school environment.

A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

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

4. Be free from bullying, discrimination and harassment on school property or school functions including but not limited to the educational program, activities, or admission policies of their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender or any other legally protected status.

B. Students' Responsibilities:

All district students have the responsibility to:

1. Contribute to maintaining a climate of mutual respect and dignity for all students and staff, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen students' confidence and promote learning.
2. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
3. Not include items that are vulgar, obscene, pornographic, libelous or denigrate others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
4. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
5. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
6. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
7. React to directions given by teachers, administrators and other school personnel in a respectful, positive manner.
8. Work to develop mechanisms to control their anger.
9. Ask questions when they do not understand.
10. Seek help in solving problems.
11. Dress appropriately for school and school functions.
12. Accept responsibility for their actions.
13. 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

All parents are expected to:

1. Maintain a climate of mutual respect and dignity for all students and staff regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen students' confidence and promote learning.

2. Confront issues of bullying, discrimination and 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.

3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

4. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise bring such to the attention of an employee in a timely manner.

5. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.

6. Send their children to school ready to participate and learn.

7. Ensure their children attend school regularly and on time.

8. Ensure absences are excused.

9. Insist their children be dressed and groomed in a manner consistent with the student dress code.

10. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

11. Know school rules and help their children understand them.

12. Convey to their children a supportive attitude toward education and the district.

13. Build good relationships with teachers, other parents and their children's friends by communicating effectively and appropriately with others.

14. Help their children deal effectively with peer pressure.

15. Inform school officials of changes in the home situation that may affect student conduct or performance.

16. Provide a place for study and ensure homework assignments are completed.

B. All Staff (Including Instructional, Support, Administration, Board of Education)

All staff members are expected to:

1. Maintain a climate of mutual respect and dignity for all students and staff, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious

practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen students' confidence and promote learning.

2. Confront issues of bullying, discrimination and 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.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention in a timely manner.
5. Provide instruction consistent with District policies and regulations, as well as NYS standards and State and Federal Law by:
 - a. demonstrating an interest in teaching and concern for student achievement
 - b. remaining current in their subject or certification area(s)
 - c. knowing school policies and rules, and enforcing the Code of Conduct in a fair and consistent manner
 - d. utilizing effective, proactive student and classroom management techniques that attempt to resolve potential student disciplinary situations at the lowest possible level
 - e. communicating to students, parents and other instructional staff, effectively and appropriately with regard to the following: course objectives and requirements, marking/grading procedures, assignment deadlines, expectations for students, classroom discipline plan, student growth and achievement.
 - f. following the District's electronic technology acceptable use policy such that:
 1. devices are used for instructional purposes
 2. devices do not disrupt the instructional process
 3. instructional staff safeguard and maintain the integrity and privacy of student identities and information

C. Pupil Personnel Services

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. Encourage students to benefit from the curriculum and extracurricular programs.

D. Superintendent and Administration

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

2. Review (with district administrators) the policies of the Board of Education, (and) State and Federal laws relating to school operations and management.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Evaluate, on a regular basis, all instructional programs.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Ensure that students and staff have the opportunity to communicate regularly with administration and approach administration for redress of grievances.
7. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
8. Encourage and provide opportunities for parent and community involvement.
9. Confront issues of bullying, discrimination and 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 students in the school or classroom setting.
11. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to an administrator's attention in a timely manner.

E. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel through the superintendent 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. Encourage and provide opportunity for parent and community involvement.
4. Lead by example by conducting board meetings in a professional respectful, courteous manner.
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
6. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a board member's attention in a timely manner.

V. DIGNITY FOR ALL STUDENTS ACT

Prevention is the cornerstone of the district's effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the principal at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). The DASA Coordinators are:

Name	School Building	Email	Phone
Troy Decker	High School	troydecker@ircsd.org	(315) 642-3427
Robert Alexander	High School	bobalexander@ircsd.org	(315) 642-3427

Nancy Taylor-Schmitt	Middle School	nancytaylorschmitt@ircsd.org	(315) 642-0125
Kathleen Dalton Lind	Middle School	kathleendaltonlind@ircsd.org	(315) 642-0125
Brian Moore	Intermediate	brianmoore@ircsd.org	(315) 642-0405
Kristen Freeman	Intermediate	kristenfreeman@ircsd.org	(315) 642-0405
Elizabeth Culbertson	Antwerp	elizabethculbertson@ircsd.org	(315) 659-8386
Steven Moffett	Antwerp	stevemoffett@ircsd.org	(315) 659-8386
Wanda Reardon	Calcium	wandareardon@ircsd.org	(315) 629-1100
Kevin Kelly	Calcium	kevinkelly@ircsd.org	(315) 629-1100
Pamela Knight	Evans Mills	pamelaknight@ircsd.org	(315) 629-4331
Samuel Thomas	Evans Mills	samueltthomas@ircsd.org	(315) 629-4331
Barbara Zehr	Philadelphia	barbarazehr@ircsd.org	(315) 642-3432
Brenda Hull	Philadelphia	brendahull@ircsd.org	(315) 642-3432
Marlene Durgin	Theresa	marlenedurgin@ircsd.org	(315) 628-4432
David Young	Theresa	davidyoung@ircsd.org	(315) 628-4432
Mary Anne Dobmeier	District Office	maryannedobmeier@ircsd.org	(315) 642-3441

In addition, the Board will designate the Assistant Superintendent as the DASA Coordinator for the district to assist in implementation of this policy and regulation from the district perspective. Each Coordinator shall be employed by the District and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools. These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status as well as provided with training which addresses the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. In addition, the Superintendent will establish a district-wide Bullying Prevention Task Force, and ensure that Bullying Prevention Coordinating Committees in each school be established that will be overseen by the DASA Coordinator. The Bullying Prevention Coordinating Committees in each school shall consist of the building administration, the school nurse and members of the pupil personnel services department assigned to the school, along with other members. Committees will include representation from staff, administration, students and parents. The committees will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the student harassment and bullying prevention and intervention policy and regulation at the district level and in each school building, including but not limited to coordination of:

- The work of the building-level committees
- Professional development for staff members
- The complaint process, and
- Management of the Dignity Act’s civility curriculum components.

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

Successful intervention may involve remediation as outlined below. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

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

VI. DISTRICT'S (STAFF/STUDENT) DRESS CODE

The intent of the dress code is to foster an environment that is sanitary, safe, and conducive to teaching and student learning. It also is intended to provide guidance to prepare students for their role in the work place and society. The District's employees and students shall be appropriately groomed and dressed while on District property and at District functions. 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. District instructional and support staff are to be appropriately dressed for their responsibilities, per the terms and conditions of their applicable collective bargaining agreements. Students and their parents have the primary responsibility for acceptable student dress and appearance. Also, visitors are to be appropriately attired while on District property and at District functions.

An individual'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. Be appropriate for the function – i.e. field trips, athletic events,
3. Recognize that brief garments such as: tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), short shorts and/or skirts, and see-through garments are not appropriate. Midriffs must be covered and tops and bottoms must touch. This list is not inclusive.
4. Ensure that undergarments are completely covered by the outermost garment at all times. This includes bra straps and boxer shorts.
5. Include pants being worn at waist level. Pants should not be worn at hip level or below hip level.
6. Include the wearing of footwear at all times. Certain classes require a particular type of shoes - for example sneakers for PE and closed-toed shoes for labs, Art, Technology, etc.... Bedroom shoes are not appropriate school attire.

7. The wearing of hats, caps, bandanas, or other head coverings in school buildings is not allowed, except for a medical or religious purpose.
8. Items that are vulgar, obscene, and libelous or denigrate others on account of race, age, color, religion, creed, national origin, gender, sexual orientation, disability or any other legally protected status are not allowed.
9. Items that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities, including that which is indicative of involvement in or affiliation with a gang are not allowed.
10. Chains are not allowed. (excludes jewelry)
11. Clothing that intimidates or poses a threat to others, including that which is indicative of involvement in or affiliation with a gang is not allowed.
12. The wearing of pajamas, roller shoes (Heeleys), metal cleats, hoods, and the wearing or carrying of blankets or other distracting items during the school day is not allowed.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code before 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.

VII. PROHIBITED (STUDENT) CONDUCT

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

A. Most Serious: Engage in Conduct that is Violent

1. Committing an act of violence (such as hitting, kicking, punching, scratching, biting, spitting, or using a weapon) upon a teacher, administrator, student, or other school employee or any other person lawfully on school property or attempting to do so.
2. Threatening to use, possessing, or displaying 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. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including arson.

B. Engage in any Conduct that Endangers the Safety, Morals, Health or Welfare of Others

1. Discrimination, as defined in the definitions section of this code..
2. Harassment, as defined in the definitions section of this code.
3. Intimidation which includes harassing or discriminating against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability or any other legally protected status.
4. Hazing, as defined in the definitions section of this code.
5. Bullying (including Cyberbullying), as defined in the definitions section of this code.
6. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
7. Retaliation, as defined in the definitions section of this code.
8. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
9. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
10. Sexual acts, which includes engaging in any type of a sexual act (engaging or violating another person).
11. Lying to school personnel.
12. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
13. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or Illegal Substances, or be under the influence (a student shall be considered “under the influence” if he or she has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his or her presence on school property, on a school bus, or school vehicle, or at a school sponsored function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption) of any of these substances on school property or at a school function.
14. Possessing or smoking cigarettes, cigars, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis and kreteks as well as matches and lighters.

15. The inappropriate use, sharing or possession of prescriptions or over-the-counter substances unless it is ordered by a Physician and cleared through the Nurse's Office is prohibited.
16. The inappropriate use, sharing or possession of any substance with the intent of trying to achieve intoxication, a "high" or a "buzz" is prohibited.
17. Using vulgar or abusive language, cursing or swearing
18. Gambling
19. Selling, using or possessing obscene material.
20. No eating or drinking in the hallways.

C. Disorderly and Insubordinate Conduct on School Property to include all Buildings and School Vehicles

1. Willfully incite others to commit any acts prohibited by the code.
2. Engaging in any willful act, which disrupts the normal operation of the school community.
3. Refusal to comply with any reasonable directive of teachers, school administrators or other school employees.
4. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

D. Disorderly, disruptive, dishonest, violent and other threatening behavior off-campus

Individuals need to realize that they can and will be held accountable for conduct off-campus that is deemed to be disorderly, disruptive or in any way poses a threat to the educational process, mission or safety of students and staff of the District. This includes conduct of this nature that is purported or produced by any electronic means.

E. Academic Misconduct

1. Engage in any form of academic misconduct. Examples of academic misconduct include: 1) Plagiarism 2) Cheating 3) Copying 4) Altering a grade, or other student record(s) on paper or in electronic form. 5) Taking works or resources from the internet or any other such electronic form and using them as your own work. 6) Assisting another student in any of the above actions.
2. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.

F. Trespassing, lateness, vehicle violations

1. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of that building.
2. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
3. Lateness for, missing or leaving school without permission.
4. Skipping detention.
5. Obstructing vehicular or pedestrian traffic.
6. Violate the traffic laws, parking regulations or other restrictions on vehicles.

G. Additional infractions

1. 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.
2. Running in hallways.
3. Loiter on or about school property.
4. Making unreasonable noise.
5. Leaving school grounds during the school day without authorization is not permitted.
6. Radios, walkmans, portable CD's pagers, cellular phones, laser devices, and portable video games are not to be used during regular school hours, and will be confiscated. Per the student handbook and the electronic acceptable use policy of the District, all electronic devices are to be secured in a locker during the instructional day.
7. No public display of affection.
8. Candy and gum will be allowed only at the teacher's discretion.
9. No glass beverage containers are permitted.
10. Based on concern for students' health and safety, primary, intermediate, and middle school students will place their backpacks in their hall locker or classroom upon arrival to school. They are not to be worn or carried during the school day. High school students may carry backpacks

VIII. REPORTING VIOLATIONS

Any person observing an individual engaging in inappropriate behavior as previously defined 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. The parent of the student involved will be notified and the appropriate disciplinary action will be taken, up to and including permanent suspension and referral for prosecution.

A. Reporting Discrimination, Harassment and Bullying

The school principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address then immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct or a material incident of harassment, bullying and/ discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the Principal is the alleged offender, the report will be directed to the Superintendent of Schools.

Parents shall be notified of their right to attend any meeting with their child to review a complaint. The school District provides a variety of prevention and intervention programs addressing the safety of students and school personnel, which are described in the District's policies, annual calendar and on the District website. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of district policy;
- ii. forwarded to the school building's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

The Principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. 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 are authorized to impose that penalty, consistent with the student's right to due process.

- Verbal warning
- Written warning
- Written notification to parent
- Detention (school and teacher)
- Suspension from transportation
- Suspension from athletic participation

- Suspension from social or extracurricular activities
- Suspension of other privileges
- In-school suspension or structured studies
- Restitution
- Time Out
- Verbal notification to parent
- Involvement of law enforcement or referral
- Removal from classroom by teacher
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school
- Other penalties as deemed appropriate
- Confiscation of contraband
- The listed sanctions are advisory and as a general rule, discipline will be progressive. However, the District may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

B. Procedures

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.

1. Detention

Teachers and principals may use detention, whether it be after school, office, or lunch detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. Suspension from Transportation

If a student does not conduct himself-herself properly on a bus, the bus driver is expected to bring such misconduct to the Building Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the district will make appropriate arrangements to provide for the student's education.

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

3. Suspension from Athletic Participation, Extra-curricular Activities and Other Privileges

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

4. In-School Suspension/ Structured Studies

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 and the assistant superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension. This is commonly referred to as structured studies at Indian River Central. Appropriate classroom work and instructional support is supplied to students placed on structured studies.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved. It should be noted students in structured studies have lost the privilege to participate in any extracurricular activity for the duration of the term of the suspension or structured studies.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal or designated administrator to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office (or sending students briefly into the hallway) are not considered removals from class.

5. Teacher Removal of Disruptive Students

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. Occasionally, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class for up to three days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

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

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

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion, which must take place before the next class, 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 notify administration as soon as possible verbally and follow through with a completed removal form.

The teacher must complete a district-established teacher removal form and meet with the principal or designee as soon as possible, but not later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal is not available by the end of the same school day, the teacher must meet with principal or designee prior to beginning of the next school day. The teacher will also contact parent by phone. *

Within one school day after the student's removal, the principal or another district administrator designated by the principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee and the teacher to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

The principal or his or her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal meeting. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

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

*Each teacher will keep a complete electronic log (on a district provided form) under the notes section of the District's student information/management software of all cases of removal of students from his/her class. The principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

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

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

a. 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 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 is being suspended from school. The written notice must be provided by the school district. 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 that parent of the right to request an informal meeting with the principal. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

b. 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, at 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. An audio (tape) recording shall be deemed a satisfactory record. The hearing officer shall make findings of

fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

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

Any student suspended from school for any duration by administration is not permitted on District property unless granted permission by administration to do so.

c. Permanent Suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

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:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. 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 who is found to have committed a violent act, other than bringing a weapon onto school property, may be subject to suspension from school for up to five days. If the proposed penalty

exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.

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

3. Students who are repeatedly/substantially disruptive of the educational process or repeatedly/substantially interfere 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 two or more occasions during a semester may be suspended from school by administration for a period of time deemed appropriate, given the circumstances and the student. If the proposed penalty is a short-term 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 short-term suspension. If the proposed penalty exceeds a short-term, maximum 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.

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

X. Remedial Responses to Violations of the Code of Conduct

Students who violate this Code may also be referred to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- a. peer support groups; corrective instruction or other relevant learning or service experience;
- b. supportive intervention;
- c. behavioral assessment or evaluation;
- d. behavioral management plans, with benchmarks that are closely monitored; and/or
- e. student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b. adoption of research-based prevention programs;
- c. modification of schedules;
- d. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations; and/or
- j. peer support groups.

XI. 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. In addition, alternative instruction may be made available to any student over the compulsory attendance age that presents a sincere desire to complete his/her high school education.

XII. 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 have 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. Except as modified in this section, all procedures applicable to students without a disability also apply to students with a disability.

A. General Procedures for Suspensions and Removals of Students With Disabilities

For purposes of this section of the code of conduct, the following definitions and procedures apply.

A “suspension” means a suspension from school pursuant to Education Law 3214.

An “IAES” means an “interim alternative educational setting” or a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

A “manifestation determination” is a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability. This review must be made immediately, if possible, but in no case later than 10 school days after (1) a decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances; (2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting pursuant to a dangerous situation; (3) a decision is made by a board of education, district superintendent of schools, building principal or superintendent to impose a suspension or removal that constitutes a disciplinary change in placement.

A “manifestation team” shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school district.

Exception for pattern of suspensions or removals. A student with a disability may not be removed pursuant to a 5 school day or 10 school day suspension or removal if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2(e)(2) of Part 200 Commissioner’s Regulations, except where the manifestation team pursuant to section 201.4 of Part 200 Commissioner’s Regulations has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES as authorized for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.

Change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances. A superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing pursuant to Education Law, section 3214(3)(c), may order the change in placement of a student with a disability to an appropriate IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the period of suspension ordered by the superintendent in accordance with Education Law, section 3214(3), where the student:

- (i) has inflicted serious bodily injury, as defined in section 201.2(m) of Part 200 of Commissioner’s Regulations, upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;
- (ii) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency; or
- (iii) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency.

The period of suspension or removal ordered by the superintendent may not exceed the amount of time that a nondisabled student would be suspended for the same behavior. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement consistent with the other requirements of Part 200 of Commissioner’s Regulations is appropriate for a student with a disability who violates a school district’s code of conduct.

Authority of impartial hearing officer to order a change in placement to an IAES in a dangerous situation. An impartial hearing officer appointed pursuant to Education Law section 4404(1), in an expedited due process hearing conducted pursuant to section 201.11 of Part 200 of Commissioner’s Regulations, may order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days, if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The procedures established in this section may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or others. A school district shall not be required to commence disciplinary action against a student with a disability as a prerequisite for initiating an expedited due process hearing to obtain an order of an impartial hearing officer pursuant to this section. A determination that the student’s behavior is a manifestation of the student’s disability shall not preclude an impartial hearing officer from ordering a change in placement to an IAES pursuant to this section.

Provision of services during suspensions. During any period of suspension, a student with a disability shall be provided services to the extent required under this section and paragraph (e) of

subdivision 3 of section 3214 of the Education Law. Nothing in this section shall be construed to confer a greater right to services than is required under Education Law, section 3214(3)(e) and Federal law and regulations. During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law, section 3214(3)(e) on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended. During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP. During suspensions or other disciplinary removals, including suspensions or removals pursuant to section 201.7(e) of Part 200 of the Commissioner's Regulations, for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate pursuant to section 201.3 of Part 200 of the Commissioner's Regulations, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

Expedited due process hearings. An expedited due process hearing shall be conducted pursuant to Part 200 of the Commissioner's Regulations under the following circumstances:

- (1) the school district requests an expedited due process hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES pursuant to section 201.8 of Part 200 of the Commissioner's Regulations where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
- (2) the school district requests an expedited due process hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES 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;
- (3) the parent requests a hearing from a determination that the student's behavior was not a manifestation of the student's disability; or
- (4) the parent requests a hearing relating to any decision regarding placement under section 201.7 of Part 200 of the Commissioner's Regulations, including but not limited to any decision to place the student in an IAES.

An expedited due process hearing shall be conducted in accordance with the procedures specified in section 200.5(j) of Part 200 of the Commissioner's Regulations, except as follows:

- (1) Upon receipt of or filing of a due process complaint notice for an expedited hearing, the board of education shall arrange for an impartial hearing and the appointment of an impartial hearing officer using the list in accordance with the rotational selection process established in section 200.2(e)(1) of

Part 200 of the Commissioner's Regulations and the administrative procedures established by the board of education pursuant to section 200.2(b)(9) of such regulations.

(2) The impartial officer may not accept appointment unless available to hold the hearing and render the decision within the time period for expedited hearings pursuant to paragraph (3) of this subdivision.

(3) The school district shall arrange the expedited due process hearing according to the following time period, unless the parent and school district agree in writing to waive the resolution meeting or agree to use mediation: (i) A resolution meeting shall occur within seven days of receiving notice of the due process complaint.

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

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

(iv) The impartial hearing officer shall make a determination within 10 school days after the hearing.

(4) No extension to an expedited impartial hearing timeline may be granted.

(5) The impartial hearing officer shall mail a copy of the written, or at the option of the parents, electronic findings of fact and the decision to the parents, to the board of education and to the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) of the New York State Education Department within 10 school days after the hearing.

If a parent requests a hearing or an appeal regarding the change in placement of a student to an IAES by a superintendent of schools, or regarding a change in placement by an impartial hearing officer pursuant to section 201.8 of Part 200 of the Commissioner's Regulations where the school district maintains that it is dangerous for the student to remain in his or her current educational placement, 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 office or until expiration of the time period determined in accordance with section 201.7 or 201.8 of Part 200 of the Commissioner's Regulations, as applicable, whichever occurs first, unless the parents and the school district otherwise agree.

(d) When an expedited due process hearing has been requested because of a disciplinary change in placement, the manifestation determination or because the school district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student shall remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first, unless the parent and the school district agree otherwise.

B. Referral to law enforcement and judicial authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. 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.

XIII. 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 can and may be used in the following situations/conditions:

1. To protect oneself, another student, teacher or any person from physical injury.
2. To protect the property of the school or others.
3. To restrain or remove, or redirect 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 the Commissioner's regulations.

XIV. SEARCHES AND INTERROGATIONS

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

In addition, the Board authorizes the superintendent of schools, administrators, the school nurse and district school safety staff 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. Any electronic devices confiscated by school staff should be turned over to administration to determine if they or school safety staff should open and identify the owner of said device.

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 possible, 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 expectations 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. Searches

All searches will be conducted in accordance with law.

C. Documentation of Searches

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

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

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

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; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. If the student is over 16, notification to the parents is a service but would not restrict an officer from questioning a student. The

Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

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

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

XV. VISITORS TO SCHOOL

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school. 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 sign out and return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

4. Parents and/or guardians who wish to observe a class while school is in session are required to arrange such visits in advance with the classroom teacher and administration.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the right of others, or are disruptive to the school program.
5. Intimidate, harass, bully or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability or any other legally protected status.
6. Enter any portion of the school premises without authorization or remain in any building or facility after school hours.
7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco products (“tobacco products” means cigarettes, cigars, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis and kreteks as well as matches and lighters), controlled substance, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers of except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of school district officials performing their duties.
14. Willfully incite others to commit any acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. Visitors who refuse to leave may be subject to involvement of law enforcement agency personnel depending upon the circumstances of the incident.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Administrators, Faculty and Staff members shall be subject to warnings, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The administrator or his/her designee shall be responsible for enforcing the conduct required by this code. When the administrator/designee/staff member 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 administrator/designee/staff member shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The administrator/designee/staff member 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 administrator or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XVII. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate version of the summary of the code to all students, written in plain language, to ensure that students understand the standards of respect and appropriate behavior that the school community expects from them. This shall take place at a general assembly held at the beginning of each school year and on an on-going basis at registration for those students who enter the district after the beginning year meeting.
2. Making copies of the code available to all parents, students and community members throughout the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Posting the code of conduct on the District's web site.

The Board will provide in-service education programs for all district staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, bullying, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. 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 following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code: (1) School-oriented programs developed at the district and building level; (2) Superintendent's workshop days; and (3) faculty meetings.

B. Review of Code of Conduct

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

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

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

Updated: September 2015