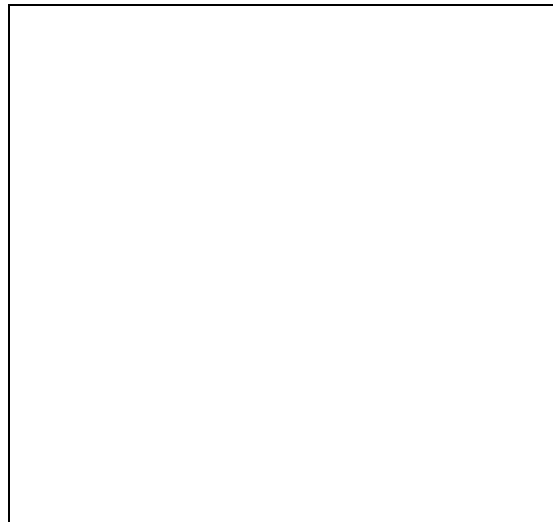


Northeastern Clinton Central School District



Code Of Conduct

Approved by Board of Education: August 5, 2008

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I

Introduction

The Northeastern Clinton Central School District believes all students can learn. Our mission is to enhance every student's potential to succeed in our ever-changing society. The Code of Conduct is to ensure that the school environment is one in which all students, faculty, staff and visitors are safe and welcome. The district has an obligation to provide a safe and orderly environment for all. Everyone is responsible for fostering a learning community where teachers can teach and students can learn. The Code of Conduct identifies the rights and responsibilities for every member of our learning community. Working cooperatively the district can produce life long learners who contribute positively in a global economy.

In order to provide all students an equal educational opportunity, the Northeastern Clinton Central School District Board of Education expects all students to respect the laws of the community and the rights of the other members of the community. In return, the students will be given due respect and constitutional protection within this institution and elsewhere. A student is responsible for the way he/she exercises his/her rights, and he/she must accept the consequences of his/her actions. It is the goal of this document to help young people to assume their roles in a democratic society and to offer them protection from any infringement on their constitutional rights. Northeastern Clinton Central School District believes strongly in the positive development of its students in both the areas of academics and personal growth. Students must be given the opportunity in each of these areas to their fullest extent; to provide and sustain the proper atmosphere for our students to progress and develop requires cooperation and understanding by students, teachers, parents, administrators, and the Board of Education.

To be successful, a student must know that the school and his family are willing to work together in order to resolve any problems which might arise; thus we have developed a Bill of Rights for students. It is impossible to list all students' rights and responsibilities, but it must be emphasized that lack of responsibility means weakening of rights.

II Definitions

For the purpose of this policy, the following definitions apply:

“Classroom removal” means a student has been removed from the class for a substantial amount of the day’s lesson or for that of the next day as a result of a disciplinary action;

“Cyber-bullying” means inflicting willful and repeated harm through the use of electronics/technology, including computer chat rooms and/or websites, text messaging, telephone, etc.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom;

“Parents” means parent, guardian or person in parental relation to a student;

“School property” means in or outside any building, structure, athletic playing field, playgrounds, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law section 142;

“School function” means any school-sponsored extra-curricular event or activity;

“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 persons lawfully on school property or at the 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, student or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property;

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

III

Student Rights and Responsibilities

Pursuant to Section 100.2(1) of the Regulations of the Commissioner of Education, a bill of student rights and responsibilities is established. Students in the Northeastern Clinton Central School District shall:

1. Be suspended from instruction only after their rights have been observed. (Ed. Law 3214)
2. Have the opportunity to present his or her version of the facts and circumstances, leading to the imposition of disciplinary sanctions, to the professional staff member imposing such sanction.
3. Take part in all District activities on an equal basis regardless of race, sex, or national origin.
4. Take part in student government activities unless properly suspended from participation pursuant to the District's discipline policy.
5. Address the Board of Education on the same terms as any citizen.
6. Be entitled to free speech and all other constitutional guarantees.
7. Be helped with personal problems in a confidential manner.

It shall be the responsibility of all students in the Northeastern Clinton Central School District:

1. To be familiar with and abide by all District policies, roles, and regulations pertaining to student conduct
2. To work to the best of their ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
3. To conduct themselves when participating in or attending school sponsored extracurricular events as a representative of Northeastern Clinton Central School District and as such hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
4. To be in regular attendance of school and in class.
5. To be responsible for contributing to the maintenance of an environment that is conducive to learning and be expected to show due respect to other persons and to property.
6. To make constructive contributions to their school.

Discipline is a vital part of the school program. It is the responsibility of every staff member to work with a concerted effort to maintain, develop, and improve the program of discipline within the school. Staff members supervising students have the initial responsibility for maintaining discipline. In the event that the staff member is unable to correct the immediate situation and/or the problem continues, the matter is to be referred to the Building Principal. The Principal will then be responsible for resolving the problem.

DUE PROCESS REQUIREMENTS

The following due process requirements are to be adhered to at all times in resolving problems pertaining to student conduct:

1. Publish and post all notice rules and regulations. Provide adequate notice of conferences and hearings. State charges clearly.
2. Right to Counsel- All individuals have the right to counsel.
3. Judgment by Impartial Party - Judgment must be made by an official who has not participated in or been party to an action under consideration.
4. Right to avoid self-incrimination - An individual is free to remain silent.
5. Cross-Examination - The accused has a right to question those bringing or presenting evidence.
6. Right to call witnesses - The accused has a right to call or bring witnesses.
7. Proof of Guilt - A "preponderance of evidence" is required to make a finding.
8. Record - A record of the proceedings must be maintained and made available upon request.
9. Right to Appeal - The student or parent may request that the matter be reviewed at the next step at any time. Equitable treatment in cases where students subject to the athletic code and students not subject to the athletic code are to be disciplined for misconduct, which occurred during a school-related activity, all such students shall be treated in a like manner.

IV Essential Partners

A. Parents

All parents are expected to:

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

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Teachers should dress professionally.
8. Teachers should speak with parents, students and coworkers in a professional manner.

C. School Counselors

All district counselors are expected to:

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

D. Principals

All principals are expected to:

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

E. Superintendent

The Superintendent is expected to:

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 about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

G. School Psychologist

Persons employed as School Psychologists are expected to:

1. Apply effective intervention methods and techniques to enhance child's academic and social success.
2. Provide consultation with family, school personnel, agency, and/or community representative to assist child and his or her family.
3. Provide case management services and collaborate with community agency representative in school-linked service delivery.
4. Work with a broad student population; individual children, targeted groups of children i.e. classrooms and support groups.

H. Teaching Assistants

Teaching assistants are expected to:

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

I. Support Staff

All district support staff is expected to:

1. Assist in keeping a safe and orderly environment.
2. Know school policies and rules, and help to enforce them in a fair and consistent manner.
3. Report any disruptive activity to supervisory personnel.

V

Student Dress Code

NCCS has a dress code in order to promote appropriate dress, maintain the dignity of the individual, provide for comfort of the student, and establish an atmosphere conducive to learning. NCCS requires that all students wear appropriate attire that conforms to the standards for health, safety and does not interfere with the learning process. The following are prohibited:

- Pants, shorts and skirts that are an inappropriate length for standing/sitting
- Revealing clothing – the garment must cover the back, chest, shoulders and sides, and reveals no cleavage, bare midriff or undergarment
- See-through clothing
- Clothing depicting or promoting the use of illegal substances and/or alcohol/tobacco or vulgar writing
- Clothing with excessive rips
- Collars, spikes or chains (other than fine jewelry)
- Body piercings, which are considered a health and/or safety hazard
- Sleeping attire such as nightgowns, pajamas, and/or slippers
- Hats or headgear worn in the building.
- Inappropriate or unsafe footwear

Special School Functions – exceptions to the dress code may be made at the discretion of the building administrator(s).

VI Prohibited Student Conduct

It is the Board of Education's belief that each student should be treated as a person responsible for his own behavior. The school administration, faculty, and staff will assist each student in a program of personal responsibility with a few sensible rules of conduct, focusing on safety and respect for the right and property of others. Students who cannot accept responsibility and violate school rules will be required to accept the penalties and more regulated supervision. These rules of conduct shall be consistently applied in the classrooms and through the School District. Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use all their resources to create a change of behavior in the classroom. When the teacher has made every effort to bring about positive behavioral change and has been unsuccessful, the student will be referred to the administration. Once done, the administration assumes the role of deciding what further action will be taken. Disciplinary action, when necessary; will be firm, fair, and consistent.

SCHOOL CONDUCT AND DISCIPLINE

If a student's conduct in the classroom is objectionable and detracts from the learning situation, the teacher should discuss the matter thoroughly and firmly in private with the student. If objectionable conduct continues and the teacher is convinced that further discussion will not be effective, the teacher should contact the parent(s)/guardian(s) to arrange a conference with them. Pupil service personnel, administrators, teachers, and others will report students to the Principal when they believe such students present a discipline problem. The Principal will conduct an investigation of the reports, which may include conferences with the complainant, students, parents, teachers, and other pupil service personnel or others, as s/he deems appropriate for the early identification and resolution of the suspected problem. If the Principal suspects that the problem may be a manifestation of a handicapping condition, s/he will refer the matter to the Committee on Special Education in school. Staff members supervising students have the initial responsibility for maintaining discipline. In the event that the staff member is unable to correct the immediate situation and/ or the problem continues, the matter is to be referred to the Principal/Assistant Principal. They will then be responsible for resolving the problem.

EXAMPLES OF STUDENT CONDUCT OFFENSES

Possible penalties for students who violate school rules include, but are not limited to, a verbal warning, loss of privileges, assignation of lunch detention(s), assignation of morning detention, after school detention(s), in-school suspension (ISS), out-of-school suspension (OSS), and/or a Superintendent's Hearing.

Building administrators have broad discretionary power concerning assignation of penalties to students who violate school rules. Acknowledging the impracticality of listing every possible student infraction, the offenses listed are meant merely as a guide of the most common infractions and are in no way meant to be construed as all-encompassing.

1. There will be no obscene, abusive, or disrespectful clothing, or pins/buttons in the building.
2. Hands, feet, and objects will be kept to themselves.
3. No Walkman's/CD players/MP3 players will be allowed during the regular school day. Possession or use of radios, tape-CD players, Walkman's, pagers, cell phones during regular school hours are not allowed, except with authorization from the principal.
4. There will be no physical displays of affection on school property (e.g., groping, kissing, etc.)
5. Students must have an authorized pass when at a location other than that scheduled. (It is suggested that students carry passes in hand so they are visible to faculty/staff/Administration.)
6. There will be no running in the corridors.
7. Littering is not allowed. This includes anything left on the tables or floor in the lunchroom.
8. No food or beverages should be removed from the cafeteria with the exception of afternoon CV-TEC students only. (Consumption of food or beverages in individual classrooms is up to the discretion of the classroom teacher).
9. No gambling will be allowed on school property. Money and devices will be confiscated. Card playing will only be allowed in an organized activity.
10. No forging of papers or passes will be allowed.
11. There will be no disrespectful language or gestures.
12. There will be no defacement or destruction of school property (e.g., desks, walls, lockers, etc.) or any property of others while participating in a school-sponsored activity (e.g., school trip, event, etc.) or while under the supervision of a school employee. Reimbursement may be required where appropriate.
13. There will be no fighting or inflicting bodily harm on other students.
14. There will be no cutting classes. Students will be considered to be cutting class unless the teacher to whom they are assigned gave them prior permission to be elsewhere.
15. There will be no dangerous objects (e.g., knives, clubs, lighters, etc.) on school property; such objects will be confiscated.
16. There will be no possession of cigarettes, lighters, drug paraphernalia, or alcohol on school property or at school sponsored events.
17. There will be no deliberate acts of disrespect (e.g., insubordination) toward those in authority. The severity of this offense is at the discretion of the person reporting the incident.
18. There will be no truancy. Truancy occurs when a student, whose parents/guardians expect him/her to be in school, does not attend. This is a violation of New York State Education Law.

19. There will be no unlawful detention. Unlawful detention occurs when a student is absent with the knowledge or consent, stated or implied, of the parent/guardian, for other than legal reasons. Examples of unlawful detention include: "shopping," "visiting," "babysitting," or "over sleeping".
20. Students will arrive to school/class on time except where properly authorized by a signed pass.
21. There will be no alcohol or drugs in possession or use on school property.
22. There will be no throwing of objects or food in the cafeteria.
23. There will be no false reporting of incidents.
24. Cyber-bullying of students or school personnel (i.e., inflicting willful and repeated harm through the use of electronics/technology).
25. Threatening or harassing students or school personnel over the phone.
26. Using message boards to convey threats or derogatory comments, or to post pornographic pictures of students or school personnel.

27. VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

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

Any weapon, alcohol or illegal substance found shall, if possible, be confiscated immediately. The building administrator(s) may question the student or students involved; followed by notification to the parent(s) of the student or students involved of the incident and the appropriate disciplinary sanction, if warranted, which may include suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII

Disciplinary Penalties, Procedures, and Referrals

A. ACTION/PENALTIES

The range of penalties, which may be imposed for violations of the student disciplinary code, includes the following:

1. verbal warning;
2. written warning;
3. written notification to the parents;
4. reprimand;
5. detention;
6. suspension from transportation;
7. suspension from athletic participation;
8. suspension from social or other extracurricular activities;
9. suspension of other privileges;
10. exclusion from a particular class;
11. in-school suspension;
12. suspension from school;
13. removal from a particular class;
14. Superintendent's hearing

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that an employee or agent take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination. Such penalties will be imposed by the Building Principal or where necessary, after formal due process procedures.

While the Commissioner of Education continues to hold that school districts cannot impose other, meaningful forms of intervention within the student disciplinary process, the District recognizes that in many situations, traditional forms of student discipline such as detention or suspension do not succeed in dealing with the core issues causing behavioral problems. Consequently, the District encourages its administrators, faculty and parents to voluntarily explore additional types of interventions in appropriate circumstances such as counseling, community service and/or restitution.

TEACHER ASSIGNED DETENTION

Teachers may assign after school classroom detention for up to two days without first referring the case to the Building Principal provided, however, that the teacher gives the student and the Building Principal notice of the reasons for the detention and gives the student an opportunity to discuss the facts believed to justify the proposed disciplinary

action. Appropriate parental contact will be made by the teacher and student before detention is served.

ADMINISTRATIVE ASSIGNED DETENTION

The Board of Education believes that detention is an effective method of discipline for students. Teachers and/or administrators may assign students detention. It is the student's responsibility to notify his/her parent or guardian of the assigned detention.

DETENTION REGULATION

1. Students will be given assigned seats.
2. There will be absolutely no talking among students.
3. A student in the detention room is expected to have sufficient homework or appropriate reading materials to keep occupied. It is the responsibility of the student to come prepared to do school work.
4. Students will not be allowed to leave the detention room for any reason, except to go to the restroom and/or lunchroom.
5. Students should not be assigned to in-school suspension (ISS) or after-school detention (ASD) without prior approval of the administration. Faculty may assign after school detention in their own room.
6. ASD should not be made up during a student's regular school day.
7. Tests may be given to ISS students and then placed in the teacher's mailbox at the end of the period. Faculty should clearly mark name of student and teacher on the top of the papers so that they are returned to the proper individual.
8. Students late to class or school will be assigned to ASD or early morning detention on the 3rd offense.

If these rules and regulations are not followed, students will be given additional periods of detention.

IN-SCHOOL SUSPENSION

The Board of Education recognizes the importance of school attendance. Therefore, suspension from school must be viewed as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms.

The Board fully supports an in-school suspension program in the district. The program should provide appropriate supervision in the in-school suspension rooms and guidelines for the imposition of an in-school suspension.

IN-SCHOOL SUSPENSION REGULATION

1. At the discretion of the Building Principal, a student who would otherwise be subject to a suspension from attendance as the result of a disciplinary infraction may be placed on in-school suspension for a period not to exceed five (5) school

- days.
2. Prior to the imposition of an in-school suspension, the Principal shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.
 3. Upon imposition of an in-school suspension, the student's parent(s) shall be notified in writing of the dates of the suspension and the reasons therefore. The parent(s) shall be given an opportunity for a conference with the Principal and any appropriate teachers or staff.
 4. The student's teachers will be notified in writing that assignments for the period of suspension should be sent to the suspension room.
 5. The student suspended shall report, at the beginning of the next school day following the imposition of a suspension, to the suspension room.
 6. The suspension room will retain an atmosphere of quiet, conducive to study, with strict rules of behavior.
 7. A student in suspension loses all privileges during the period of his/her suspension.
 8. The suspension room supervisor will enforce the rules of behavior in the suspension room and will render tutorial assistance where possible. The suspension room supervisor will also be alert to student behavior or problems which may require referral to the school psychologist, guidance counselor, or other professional. The suspension room supervisor will also, where appropriate, recommend steps to improve the student's behavior.

SUSPENSION

Either the Superintendent of Schools or Building Principal may immediately suspend a student charged with a violation, pending determination of the offense, whenever in his judgment the continued presence of such student would constitute a clear danger to the safety, morals, health or welfare of himself or other persons or to the safety of property on the premises of the school. A student may also be immediately suspended if he or she would pose an immediate threat of disruptive interference with the normal conduct of the school's activities and functions. In cases involving suspension or longer than five (5) days, the Superintendent shall, upon reasonable notice, grant a hearing with respect to the basis for such suspension.

SUSPENSION REGULATION

The following procedural elements are applicable to the initiation and processing of student suspensions:

1. The Board of Education retains its authority for the suspension of students. The Board places the prime responsibility for such suspension(s) with the Superintendent of Schools, and to the Building Principals in cases of suspension for up to five (5) days. Any professional staff member may, however, initiate a recommendation for suspension to the Superintendent/Building Principal. Such a recommendation shall be in writing unless the conditions underlying the recommendation warrant immediate and expeditious attention. Even in such cases a written report is to follow.

2. The Superintendent/Building Principal, upon receipt of a recommendation for suspension, or in processing a case for suspension, shall gather the facts relevant to the matter and shall record them for subsequent presentation, if necessary.
3. Within two school days after the recommendation is made to the Superintendent/Building Principal, if a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Superintendent/Building Principal shall give the student oral or written notice of the charges against him/her, and if he/she denies them, an explanation of the basis of the evidence against him/her and an opportunity to present his/her side of the story. Within 24 hours after the student is notified and given his/her informal hearing with the Superintendent/Building Principal, upon request, the pupil and his/her parent(s) shall be given further opportunity for an informal conference with the Superintendent/Building Principal. At this hearing, the parent shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent/Building. After the conference, the Superintendent/Building Principal shall promptly advise the parent of his/her decision. The parent may appeal the decision to the Board.
4. When the Superintendent determines that a suspension for more than five days is warranted, he/she shall allow reasonable notice to such pupil and the parent/guardian of their right to a fair hearing. At this time the pupil shall have the right of representation by counsel, with the right to question witnesses against him/her and present witnesses and other evidence on his/her behalf. The Superintendent shall personally hear and determine, the proceeding or may, in his/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/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the Board who will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.
5. A student is to remain in school prior to the informal conference or fair hearing in his/her regular class(es), unless in the judgment of the Superintendent or Principal the student's presence in school poses a continuing danger to his/her physical or emotional safety, to the physical or emotional safety of other students and faculty, to school property or to the continuation of the academic process. In such case, the student will be provided with alternative instruction off-campus or will be placed under in-school suspension according to the regulations approved by the Superintendent.
6. If a student under the age of 16 is suspended for over 5 days, alternative means for instruction will be provided for such student. As a general rule, an alternate program will be sought for any pupil 16 years of age or older who presents a sincere desire to complete his/her high school education.

B. PROCEDURES

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

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. A student or parent has the right to discuss the circumstances for which detention is assigned.

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 or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance; the district will make appropriate arrangements to provide for the student's education.

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

3. SEE ATHLETIC CODE OF CONDUCT

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher when possible.

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.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for one day. A student may be removed for additional days based on a collaborative discussion held between the building administrator and the teacher. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and communicate with

the principal or designee prior to the beginning of classes on the next school day. Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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.

Any staff member may recommend to the superintendent or the principal that a student be suspended. Staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not

satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school

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

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

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

c. 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 to or possess a firearm or weapon at school:

Any student, other than a student with a disability, found guilty of bringing to or

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

2. Students who commit violent acts other than bringing to or possessing a firearm or weapon at school:

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least one day. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify a suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. REFERRALS

1. Counseling

The Guidance Office and/or School Psychologist shall handle all referrals of students to counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition or PINS Diversion petition in Family Court or probation department on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

IX

Alternative Instruction

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

X

Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes. Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations. *Definitions* For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or

serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement. In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student. Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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 district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless;

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct. In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation

of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability. *Manifestation Review* A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents. If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes. If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is 50% completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district 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 student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or

4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations. When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will 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 student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA). Cross-ref: 5500, Student Records- Ref: Individuals with Disabilities Education Act, 20 USC §1415(k); 34 CFR § 300.530 *et seq.*; N.Y. Education Law § 3214(g) 8 NYCRR Part 201

XI

Corporal Punishment

The use of corporal punishment in the Northeastern Central School District is expressly prohibited.

Corporal punishment, for the purposes of this policy, is defined as the use of physical force upon a student by a school district administrator, teacher, or any other school district personnel as punishment for an act or omission by such student.

This policy does not, however, prohibit the use of reasonable physical force for non-punitive purposes in the exercise of lawful supervisory authority over students or school district property as follows:

1. for the purpose of self-defense;
2. to prevent physical injury to a student or any other person;
3. to protect school property or the property of others; or
4. to restrain temporarily or remove a student whose behavior is disrupting the orderly exercise and performance of school district functions, powers or duties and who refuses, upon request, to refrain from doing so.

In the event a situation involving the use of physical force does occur, in compliance with the Regulations of the Commissioner of Education, the following reporting- procedures will be followed:

1. The teacher or staff member involved shall notify the Building Administrator or Superintendent of Schools immediately;
2. The report shall relate all applicable details of the incident, including what action was taken, why the action was taken, and what measures, if any, have been taken to prevent the need for such action.
3. The report will be kept on file and made available to the parent upon request.
4. The parent shall be afforded the opportunity to request a conference with the student, teacher and administrators involved in the incident to discuss the situation.

The Superintendent shall submit to the Commissioner of Education a written report on corporal punishment complaints. The report shall set forth the substance of each complaint, the results of investigations of those complaints and the resulting, action taken. Such reports shall be submitted on or before January 15 and July 15 of each year.

XII

Student Searches and Interrogation

SEARCHES

School lockers, desks, and other such equipment are not the private property of students but the property of the school district, and as such may be opened and subject to inspection from time to time by school officials. If such a search reveals contraband on school grounds, in vehicles, or in school buildings, school officials may seize the contraband.

STUDENT LOCKERS

Student use lockers owned by the school district shall adhere to state and federal statutes. Any student using a school owned locker shall have no expectation of privacy in such locker or its contents. The school principal or his designee may search a locker and its contents at any time. A law enforcement agency having jurisdiction over the geographic areas containing the school facility may at the request of the school principal; and in accordance with rules of the governing body of the school corporation, assist a school administrator in searching a student's locker and the locker's contents. A master key or list of lock combinations shall be maintained at all times by the school principal or his designee for all lockers assigned to students. Care of and/or damage to an individual locker shall be the responsibility of the student to whom it is assigned. Students are not to "rig" their lockers in any way so they do not lock. Any locker found to be non-lockable by reason of tampering will be repaired by the maintenance staff and the cost of repair will be charged against the student who was assigned that specific locker. No student is to change his/her locker to another without permission from the main office. If a locker combination malfunctions, notify the Main Office. Lockers must be kept closed and locked at all times. Thefts can occur when lockers are left open, when others are permitted to use locker or when someone knows the locker combination. If the lock is properly locked, it is not possible to open the locker without the combination. This applies to lockers in the Physical Education area as well. Students are permitted to go to their lockers between classes. You must have a pass to go to your locker during class periods, but such requests should be kept to a minimum. There will be no padlocks on any locker unless it has been issued by the school.

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. However, police officials 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. search warrant or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

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

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

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

XIII

Visitors to Schools

The board encourages parents and other district citizens to visit district schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to district 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 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, sporting events, or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building administrator, so that class disruption is kept to a minimum.
5. Teachers are not required nor 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.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIV

Public Conduct on School Property

These rules govern the conduct of students, faculty and other staff licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

Prohibited conduct

No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
2. use, possess, sell or distribute alcohol;
3. use, possess, sell or distribute illegal drugs and drug paraphernalia;
4. physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under the NCCS Code of Conduct's Corporal Punishment section;
5. willfully damage or destroy property of the district or under its jurisdiction, nor remove or use such property without authorization;
6. without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
7. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
8. remain in any building or facility after it is normally closed without authorization;
9. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
10. obstruct the free movement of persons and vehicles in any place to which these rules apply;
11. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his or her views, including invited speakers;
12. knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent of Schools, whether or not a license to possess the same has been issued to such person; and/or
13. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he or she shall be directed to leave the premises. In the event of failure to do so, he or she shall be subject to ejection.
2. If a trespasser or visitor without specific license or invitation, he or she shall be subject to ejection.
3. If he or she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, loss of privileges, reprimand or warning as prescribed by section 3214 of the Education Law and he or she shall be subject to ejection.
4. If a tenured faculty member, he/she shall be subject to ejection, warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with section 3020-a of the Education Law.
5. If a staff member in the classified service of the civil service, he/she shall be subject to the penalties and procedures prescribed in section 75 of the Civil Service Law and are subject to ejection.
6. If a staff member other than one described in subdivisions 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

Enforcement Program

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to put them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his or her designee shall cause the ejection of the violator from any premises that he or she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.

XV

Dissemination and Review

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available on the district website.
3. Informing all current teachers and other staff members that a copy of the code and a copy of any amendments to the code are available for their review in the library and administrative office(s) of their respective building(s).
4. Making a copy of the code of conduct available for review by all new employees when they are first hired.
5. Making copies of the code available upon request or via the Internet for review by students, parents and other community members.

An in-service education program will be provided for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. Before 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.