

Lyons Central School District

**CODE
OF
CONDUCT**

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Lyons Central School District
CODE OF CONDUCT
Table of Contents

I.	INTRODUCTION.....	1
II.	DEFINITIONS.....	1
III.	STUDENT RIGHTS AND RESPONSIBILITIES.....	2
	Bill of Rights and Responsibilities of Students	
	Student Dress Code	
IV.	ESSENTIAL PARTNERS.....	3
	Parents	
	Teachers	
	School Counselors	
	Principals	
	Superintendent	
	Board of Education	
V.	PROHIBITED STUDENT CONDUCT.....	5
VI.	REPORTING VIOLATIONS.....	9
VII.	DISCIPLINARY PENALTIES.....	9
	Penalties	
	Procedures	
	Minimum Periods of Suspension	
	Referrals	
VIII.	ALTERNATIVE INSTRUCTION.....	16
IX.	DISCIPLINE OF STUDENTS WITH DISABILITIES.....	16
	Authorized Suspensions or Removal of Students with Disabilities	
	Change of Placement Rule	
	Special Rules Regarding the Suspension or Removal of Students with Disabilities	
	Expedited Due Process Hearings	
	Referral to Law Enforcement and Judicial Authorities	
X.	CORPORAL PUNISHMENT.....	21
	Corporal Punishment/Reasonable Force	
	Reasonable Physical Force	
XI.	STUDENT SEARCHES AND INTERROGATIONS.....	22
	Student Lockers, Desks and other School Storage Places	
	Gym Lockers	
	Hall Lockers	
	Book bags are to be in Lockers	
	Strip Search	
	Documentation of Searches	
	Police Involvement in Searches and Interrogations of Students	
	Child Protective Services Investigations	
XII.	VISITORS TO THE SCHOOLS.....	25
XIII.	PUBLIC CONDUCT ON SCHOOL PROPERTY.....	26
	Prohibited Conduct	
	Penalties	
	Enforcement	
XIV.	DISSEMINATION AND REVIEW.....	27
	Dissemination of Code of Conduct	

I. INTRODUCTION

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

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

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

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

II. DEFINITIONS

For purposes of this code, the following definitions apply.

“Cyberbullying” – means “harassment” or “bullying” where such harassment or bullying occurs through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). 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. Cyberbullying involving district students may occur both on campus and off school grounds and may involve student use of the district internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyberbullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property; or
- Interfering with a student’s educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school’s programs.

“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 as an impairment or (c) a condition regarded by others as such an impairment.

“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.

“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 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.

“Gender” - means actual or perceived sex and includes a person’s gender identity or expression.

“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.

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes, but is not limited to, name-calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying includes, but is not limited to, poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes, but is not limited to, excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

Bullying may also involve the following characteristics:

- a. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
- b. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- c. **Threat of further aggression** - the bully and the target believe the bullying will continue.
- d. **Terror** - when any bullying increases, it becomes a systematic violence or harassment used to intimidate and maintain dominance.

Bullying may also be based on any characteristic including but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression), or any other legally protected category.

“Hazing” is 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.

“Informal Conference” is an open-ended discussion of a disciplinary incident to include the student/teacher/parent/principal without the requirements of tape recording or transcription associated with a Superintendent's hearing, where the parent/student may request to confront witnesses.

“Illegal Substance” include, but are not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs, and look alikes (including synthetic cannabinoids) and prescription or over-the-counter drugs and other related paraphernalia when possession is unauthorized or such are inappropriately used or shared with others.

“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.

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

“Principal” - within the context of teacher removal of a student from class means either the principal of the building or any other administrator in the district acting in the principal's absence or at the principal's direction.

“Retaliation” - means 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 and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

“School Bus” - means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School Property” - means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus or district owned vehicle or in any location or facility rented/leased or otherwise under the direction and control of school personnel.

“School function” - means any school-sponsored event or activity including extracurricular events and activities.

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

“Sexting” - means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message, email or other electronic/digital means.

“Sexual Orientation” - means actual or perceived heterosexuality, homosexuality, or bisexuality.

“Threat of Violence” refers to any written, electronic, verbal message, or gesture that poses risk to a victim and/or public safety.

“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, lighters and other related paraphernalia.

“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 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 or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” - No person shall have in his/her possession upon school premises any rifle, shotgun, pistol, razor blade, spray, revolver, ammunition, other firearms, knives, dangerous chemicals, explosives, or any object which is not necessary for school activities and which could be considered a weapon. A weapon includes any instrument capable of firing a projectile, the frame or receiver of any such weapon, firearm, muffler or silencer, any explosive device, or any other instrument or device capable of inflicting bodily harm.

III. STUDENT RIGHTS AND RESPONSIBILITIES

1. Bill of Rights and Responsibilities of Students

a. Student Rights:

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

1. Pursue an education in an atmosphere that is safe and conducive to learning.
2. Enroll in the course of study offered by the District for which they are best

- qualified.
3. Be respected as individuals.
 4. Procedural due process guaranteed by the United States Constitution and New York State Education Law prior to disciplinary action taken against them.
 5. Freedom of speech and expression that do not interfere with the educational process or infringe upon the rights of others.
 6. Take part in all district activities on an equal basis regardless of one's actual or perceived race, color, weight, national origin, ethnic origin, religion, religious practices, disability, sex, sexual orientation, gender (including gender identify and expression), and any other legally protected category.
 7. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
 8. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
 9. Be free from intimidation, discrimination, bullying 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, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression), or any other legally protected category.

b. Student Responsibilities:

All district students have the following responsibilities to:

1. Students will conduct themselves with respect toward self, other persons and to property. They will contribute to maintaining a safe and orderly school environment that is conducive to learning.
2. Students will attend school every day unless they are legally excused and be in class, on time, and be prepared to learn.
3. Student will work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
4. Students will follow the directions of the faculty, staff and administration at all times.
5. Students will fulfill all classroom obligations to teachers.
6. Students will 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.
7. Students will dress appropriately for school and school functions, in accordance with the guidelines that have been developed with students, parents, community representatives, teachers, administrators, and the Board of Education.
8. Students will work to develop mechanisms to control their anger,.
9. Students will be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
10. Students will ask questions when they do not understand.
11. Students will seek help in solving problems.
12. Students will accept responsibility for their actions.

2. **Student Dress Code**

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

- a. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:
 1. Be safe, appropriate and not disrupt or interfere with the educational process.
 2. Recognize that extremely brief garments such as tube tops, net tops; halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
 3. Ensure that underwear is completely covered with outer clothing.
 4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
 5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
 6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
 7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- b. Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
- c. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary 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.

IV. Essential Partners

1. Parents/Guardians

All parents/guardians are expected to:

- a) Recognize that the education of their children is a joint responsibility of the parents and the school community.
- b) Send their children to school ready to participate and learn.
- c) Ensure their children attend school regularly and on time.
- d) Ensure absences are legal and excused.
- e) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- f) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- g) Know school rules and help their children understand them.
- h) Convey to their children a supportive attitude toward education and the district.

- i) Build good relationships with teachers, other parents and their children's friends.
- j) Help their children deal effectively with peer pressure.
- k) Inform school officials of changes in the home situation that may affect student conduct or performance.
- l) Provide a place for study and ensure homework assignments are completed.
- m) Give assistance to the teaching staff and administration in supporting the code when requested.
- n) Be aware of the code.

2. **Teachers**

All district teachers are expected to:

- a) Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender sex, or other legally protected category, which will strengthen students' self-concept and promote confidence to learn.
- b) Be prepared to teach and demonstrate interest in teaching and concern for student achievement.
- c) Know school policies and rules, and enforce them in a fair and consistent manner.
- d) Communicate to students and parents:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan.
- e) Communicate regularly with students, parents and other teachers concerning growth and achievement.
- f) Report violations of the code to the administrators.
- g) Be aware of the provisions of the code and, if in doubt regarding code, explanations should be sought from the teacher's administrators.
- h) Understand that each member of the community, e.g., student, staff, parent or visitor, is worthy of respect and consideration.
- i) 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.
- j) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- k) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the Building Administrator and/or Dignity Act Coordinator in a timely manner.

3. **School Counselors/Psychologists/Social Workers**

All individuals serving in these titles are expected to:

- a) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- b) Initiate conferences, as necessary, as a way to resolve problems and support individual students in overcoming unique challenges.
- c) Regularly review with students their educational progress, post-secondary education and career planning.

- d) Encourage students to benefit from the curriculum and extracurricular programs.
- e) Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other legally protected category which will strengthen students' self-concept and promote confidence to learn.
- f) 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.
- g) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- h) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the Building Administrator and/or Dignity Act Coordinator in a timely manner.

4. **Building Administrators**

The building administrators are expected to:

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b) Ensure that students and staff have the opportunity to communicate regularly with the building administrators and approach the building administrators for conflict resolution.
- c) Evaluate on a regular basis all instructional programs.
- d) Support the development of and student participation in appropriate extracurricular activities.
- e) Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- f) Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other legally protected category which will strengthen students' self-concept and promote confidence to learn.
- g) 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.
- h) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- i) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a building administrator's attention to the Dignity Act Coordinator in a timely manner.

5. **Superintendent**

The superintendent is expected to:

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b) Review with district administrators the policies of the board of education and state and

- federal laws relating to school operations and management.
- c) Inform the board about educational trends relating to student discipline.
- d) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- e) Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- f) Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other legally protected category which will strengthen students' self-concept and promote confidence to learn.
- g) 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.
- h) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- i) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a superintendent's attention to the Dignity Act Coordinator in a timely manner.

6. **Board of Education**

The members of the Board of Education are expected to:

- a) 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.
- b) 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.
- c) Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- d) Advise the superintendent of any suggested changes in the code and community feelings regarding the code.
- e) Be available to provide a speedy hearing of any appeal of a suspension under the provision of Education Law #3214 (3).
- f) Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other legally protected category which will strengthen students' self-concept and promote confidence to learn.
- g) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

V. PROHIBITED STUDENT CONDUCT

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students

are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

Interventions/Consequences: Students who are found to have violated the district's code of conduct may be subject to the following interventions/consequences, either alone or in combination. The school personnel identified after each intervention/consequence are authorized to impose that penalty, consistent with the student's right to due process.

- a) Oral warning – any member of the district staff
- b) Written warning/referral – bus drivers, hall and lunch monitors, coaches, School Counselors, teachers, principals, superintendent
- c) Written notification to parent – bus drivers, hall and lunch monitors, coaches, School Counselors, teachers, principals, superintendent
- d) Detention/Extended Detention – teachers, principals, superintendent
- g) Suspension from transportation - director of transportation, principals, superintendent.
- h) Suspension from athletic participation, social or extracurricular activities - activity directors, coaches, principals, superintendent.
- i) Suspension of other privileges - principals, superintendent
- k) In-school suspension - principals, superintendent
- j) Removal from classroom by teacher-teachers, principals
- k) Short-term (five days or less) suspension from school - principals, superintendent, board of education
- l) Long-term (more than five days) suspension from school- superintendent, board of education
- n) Law enforcement notification
- o) Permanent suspension from school - superintendent, board of education

RANGE OF INTERVENTIONS/CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES		
I OPTIONS <ul style="list-style-type: none"> • Oral Warning • Written Warning/ Referral • Parent notification • Detention • Loss of Privilege 	II OPTIONS <ul style="list-style-type: none"> • Removal from class • Extended Detention • Suspension from Transportation • Suspension from Athletics • Suspension from Social/ Extra-curricular • In School Suspension • Short-term Suspension • Police notification 	III OPTIONS <ul style="list-style-type: none"> • Long-term suspension • Permanent Suspension

OFFENSES AND CONSEQUENCES		
Offense	Definition	Range of Consequences
Absence (Unlawful)	An absence for a day or any portion of a day for any reason other than those cited as lawful and/or failure to bring a note by a parent/guardian to verify a lawful absence.	I – II
Alcohol/Drug Violation	Possession, distribution, consumption, being under the influence, or sale of illegal substances, alcoholic beverages or drug paraphernalia on school property, at a school function, on a school bus, or in a school vehicle. Over the counter medications cannot be possessed or distributed.	II - III
Arson/fire	Attempting to, aiding in, or setting fire to a building or other property.	II - III
Bus Misbehavior	Any violation of bus behavior rules.	I- II
Cheating/Academic Dishonesty	Copying, plagiarizing, altering records, forging records or assisting another in such actions.	I- III
Computer/ Electronic Communication Misuse	Any unauthorized use of computers, software, or internet/intranet account to access internet/intranet; accessing another's e-mail or an inappropriate website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices.	I -III
Cutting class	Illegal absence from a class or school activity.	I-II
Cyberbullying	See description above in Article II, Definitions.	I- III
Defamation	False or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group.	I -II

Destruction of Property/ Vandalism	Damage, destruction, or defacement (graffiti) of property belonging to another or the school.	II-III
Dishonesty	Misleading, concealing or failing to tell the truth.	I- II
Discrimination	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, 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.	I- III
Disrespect Toward Others	Inappropriate comment or physical gesture to a student, teacher, staff member, or other adult.	I -II
Disorderly Conduct	Behavior disturbing the atmosphere or order, to include obstructing or restraining the authorized or lawful movement or participation of another.	I-II
Disruption – Classroom	Behavior that is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.	I -III
Disruption – School	Behavior that interferes with the safe and orderly environment of the school or school activity.	I-III
Driving/ Parking Violations	Failure to obey all state, district, and campus traffic and parking signs and rules.	I-II
Failure to Serve Assigned Consequences	Failure to serve detention, Saturday detention, suspension or other assigned consequences.	I-II
False Alarms/Bomb Threats	Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.	II-III
Fighting	A hostile confrontation with physical contact involving two or more students.	II-III
Fireworks or Explosives	Possession, use, and/or threat to use a firework, smoke bomb, flare, or combustible or explosive substance.	II-III
Gambling	Wagering money or property.	I-II
Harassment and/or Bullying	See description above in Article II, Definitions.	I-III
Hazing	See description above in Article II, Definitions.	I-III
Inappropriate Attire	Dressing in a manner that violates the Dress Code, as described in Article III. Dress Code,	I- II

	above.	
Indecent Exposure	Exposing the private parts of the body in a lewd or indecent manner.	I- II
Insubordination	Refusing to follow reasonable requests of teachers, staff, or administration, including failure to identify self or knowingly providing false information.	I -III
Leaving school grounds without permission	Leaving school grounds during regular school hours without written or verbal permission from parent/guardian, administrator or someone listed on the emergency procedure card.	I -II
Littering	Failure to clean up after one's self after intentionally or carelessly discarding refuse.	I -II
Loitering	Idle presence in an area without authorization.	I -II
Physical Attack on Staff, Students/Others	Assault, or aggressive physical action, directed at students, staff, or others, including a situation where a staff member is intervening in a fight or other disruptive activity.	II- III
Possession of Disruptive Items	Unauthorized possession of a sound box, laser pointer, squirt gun, water balloon, personal audio device, or any other disruptive item.	I- II
Possession of Skate boards, Roller blades/ Scooters	Unauthorized use or unauthorized possession of a skateboard, scooter, or roller blades on school property.	I- II
Profanity/Vulgarity	Use of language and gestures or other forms of expression that are inappropriate for school and have the effect of disrupting the educational environment.	I- III
Public Displays of Affection	Affectionate behavior towards another beyond short hugs and hand holding.	I- II
Sexting	See description above in Article II, Definitions.	I- III
Sexual Harassment	Unwanted and inappropriate verbal, written, or physical conduct of a sexual nature directed toward another person.	I -III
Tardiness	Lateness to school or class.	I-II
Theft	Taking or obtaining property of another without permission of the owner.	II-III
Threat to Staff, Student or Other Person	Expression, conveyed by word or action, of intent to abuse, intimidate, coerce, or injure a staff member, student, or other person.	I -III
Tobacco Violation	Possession or use of any Tobacco Product, as defined in in Article II, Definitions; This prohibition extends to on school property, at a school function, on a school bus, or in a school vehicle.	I -II

Trespassing	Unauthorized presence on school property, including while on suspension.	I-II
Truancy	Unlawful absence without parental knowledge and/or permission.	I- II
Unacceptable Language	Using vulgar or abusive language, cursing, or swearing.	I -II
Weapon Possession	Possession of a weapon, s defined in Article II, Definitions.	II- III

VI. REPORTING VIOLATIONS

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

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

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

Reporting Discrimination, Harassment, Bullying and Cyberbullying:

The Building 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, bullying and cyberbullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment, bullying and cyberbullying.

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 the 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 school employee 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 Building 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 investigated 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 school 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.

All complaints of alleged harassing, bullying (including cyberbullying) and/or retaliatory conduct shall be:

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

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, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). 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, and sex.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- Professional development for staff members;
- The complaint process; and
- Implementation of the Dignity Act's civility curriculum components.

The DASA Coordinators for each building and their contact information is provided below.

<u>Building</u>	<u>Name</u>	<u>Contact Info.</u>
Elementary School	Jill Norris, School Psychologist	946-2200 ext.3503
Middle/High School	Libo Alexanian, Asst. Principal	946-2200 ext.2203

VII. DISCIPLINARY 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.

1. 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.

a. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention in Pre-Kindergarten through Grade 6 will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention. Written notification of detention in Grade 7 through 12 will be sent home to parents following detention.

b. 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.

c. 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.

d. 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 teaching assistant or certified teacher.

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.

e. 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 to the principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

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

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

The teacher must complete a Referral Form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities 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 to be kept on file.

f. 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. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All 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.

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

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

The notice shall provide a description of the charges against the student and the incident

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

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.

h. 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.

i. 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.

2. **Minimum Periods of Suspension**

a. **Students who bring a weapon to school.**

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

- 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.

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

b. **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, 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.

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

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the 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 is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal

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

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

3. Referrals

a. Counseling.

The Guidance Office shall handle all referrals of students to counseling.

b. PINS Petitions

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

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. 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.
3. Knowingly and unlawfully possesses marijuana or other illegal drugs in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

c. Juvenile Delinquents and Juvenile Offenders

Students who have brought a “weapon” or “firearm” (as defined in 18 U.S.C. § 930(g)(2) and 18 U.S.C. § 921, respectively of the Gun Free Schools Act) to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) will be referred to a presentment agency for juvenile delinquency proceedings, unless the student is a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42); a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualified for juvenile offender status will be referred to the appropriate law enforcement authorities.

4. 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. mediation; 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;
- e. targeted use of monitors;
- f. staff professional development;
- g. parent conferences;
- h. involvement of parent-teacher organizations; and/or
- i. peer support groups.

VIII. 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.

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

1. Authorized Suspensions or Removals of Students with Disabilities

- a. For purposes of this section of the code of conduct, the following definitions apply.
 - 1. A "suspension" means a suspension pursuant to Education Law § 3214.
 - 2. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
 - 3. An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue

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

- b. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 1. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 2. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 3. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 4. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

For this purpose, the following definitions apply:

1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
4. "Serious bodily injury" as defined in 18 USCA §1365(h) means a bodily injury that involves:
 - a. a substantial risk of death; or
 - b. extreme physical pain; or
 - c. protracted or obvious disfigurement; or

- d. protracted loss or impairment of the function of a bodily member, organ or mental faculty. An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

2. **Change of Placement Rule**

- a. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - 1. For more than 10 consecutive school days; or
 - 2. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- b. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

- a. The district's Committee on Special Education shall:
 - 1. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- 2. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a

decision is made to place a student in an IAES or impose a suspension that constitutes a disciplinary change in placement.

If it is determined that the conduct is not a manifestation of the disability, the student may be disciplined in the same manner and duration as a non-disabled student.

A student may not be suspended or removed from his or her current educational placement following a determination that the behavior in question is a manifestation of the student's disability except where the student is placed in an IAES for not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, the student knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury while at school or at a school activity.

3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. If it is claimed by the student's parent or by school district personnel that the school had a basis for knowledge that the student is a student with disabilities, the superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 1. Conducted an individual evaluation and determined that the student is not student with a disability, or
 2. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations, or
 3. Was not provided consent for the evaluation by the parent, or
 4. Received the parent's refusal of services or revocation of consent for services.

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

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

- c. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

- d. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
- e. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- f. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- g. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

4. **Expedited Due Process Hearings**

- a. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - 1. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school

personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

2. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - a. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - b. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

5. **Referral to law enforcement and judicial authorities**

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

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

X. CORPORAL PUNISHMENT

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

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

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

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Lyons

Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

XI. STUDENT SEARCHES AND INTERROGATIONS

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

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials 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.

“Reasonable suspicion” means that whoever is conducting or authorized the search, has a good faith reason to believe that the student violated the law or school rules and that a search will provide evidence of such violation (“probative matter”). Such a reasonable belief must be based upon all the circumstances of the situation, including such things as:

- a) the student’s age;
- b) The student’s school record and past history;
- c) The seriousness of the problem to which the search is directed;
- d) The reliability of the information used to establish the need for the search;
- e) The urgency necessitating an immediate search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official will generally attempt to obtain an admission from the student of possession of the probative matter or a voluntary consent to the search. The search will be limited to the extent necessary to locate the probative matter.

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

1. Student Lockers, Gym Lockers, Desks and other School Storage Places

All students in Grades 6 through 12 will be assigned a locker.

Students who have not previously attended the school will be issued lockers by the principal's secretary in the Main Office.

The school will not be liable for students' personal property that is lost or stolen while being stored in a school locker.

Students are not to share a locker with anyone. Students are to use only the locker assigned to them.

Students are to clean out their hall and gym lockers by the last day of school.

Gym lockers and locks will be given out by the Physical Education teacher. It is the student's responsibility to keep their lockers locked during gym class.

The principal's secretary keeps combinations to hall lockers. Lock combinations are confidential and should not be given to anyone.

Book bags are to be left in lockers.

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

Lockers and desks are provided for student convenience, but are the property of the school district. The district reserves the right of school administrators to conduct periodic inspections of lockers and/or desks for any reason at any time without notice, without student consent, and without a search warrant.

Student data files and electronic storage areas are the property of the District. Such data and all District equipment shall be subject to District control and inspection. District officials and their designees may access all such files and communications without prior notice, without student consent, and without a search warrant. Students and other individuals with access to District computers and networks should NOT expect that information stored on such equipment or networks will be private.

2. Vehicles on Campus

Parking a vehicle on campus entitles an administrator to search the vehicle upon reasonable suspicion that a school rule/regulation or law has been violated. In addition, drug detecting dogs may be used in either random searches or those governed by reasonable suspicion.

3. Strip Search

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer layers. Under no circumstances should a school employee conduct a strip search of any student. If a school official is presented with a situation which in his/her professional opinion requires a more thorough search of the student's person, the school official should call the police and refer the matter to them for further action.

4. Documentation of Searches

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

- a) Name, age and grade of student searched.
- b) Reasons for the search.
- c) Name of any informant(s).
- d) Purpose of search (that is, what item(s) were being sought).
- e) Type and scope of search.
- f) Person conducting search and his or her title and position.
- g) Witnesses, if any, to the search.
- h) Time and location of search.
- i) Results of search (that is, what items(s) were found).
- j) Disposition of items found.
- k) Time, manner and results of parent notification.

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

5. 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 interview or search a student or to conduct a formal investigation involving students only if they have:

- a) A search or an arrest warrant; or
- b) Probable cause to believe a crime has been committed on school property or at a school function; or off school property during school days or,
- c) Been invited by school officials.
- d) Before police officials are permitted to interview or search any student, the building principal or his or her designee shall first try to notify the student's parent only if under the age 16 to give the parent the opportunity to be present during the police interview or search. If the student's parent cannot be contacted prior to the police interview or search, the interview or search shall not be conducted. The principal or designee will also be present during any police interview or search of a student on school property or at a school function.

6. Child Protective Services investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall be present during the interview.

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

XII. VISITORS TO THE 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 building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school.
 - a. All visitors will be required to produce a government issued identification and must be cleared through the District's screening system.
 - b. 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 or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers and all other staff are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

1. Prohibited Conduct

No person, either alone or with others, shall:

- a) Intentionally injure any person or threaten to do so.
- b) Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- c) Disrupt the orderly conduct of classes, school programs, meetings or other school activities.
- d) 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.
- e) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- f) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- g) Obstruct the free movement of any person in any place to which this code applies.
- h) Violate the traffic laws, parking regulations or other restrictions on vehicles;
- i) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.

2. Penalties/Consequences

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

- a) **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- b) **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- c) **Tenured faculty members.** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- d) **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

- e) **Staff members other than those described in subdivisions c. and d.** They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

3. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XIV. DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

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

- a. Providing a summary of the code to all students at a general assembly held at the beginning of each school year.
- b. Making copies of the code available to all parents at the beginning of the school year.
- c. 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.
- d. Making copies available to 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.
- e. Providing all new employees with a copy of the current code of conduct when they are first hired.
- f. Making copies of the code available for review by students, parents and other community members.
- g. Making either a summary of the code of conduct written in plain language or the complete code of conduct available on the District's website.

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

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

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee may 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 no later than 30 days after adoption.

—END-