



**Mayfield Central  
School District  
Junior-Senior High School  
Code of Conduct**

Adopted by the Board of Education \_\_\_\_\_

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## **The Dignity for All Students Act**

New York State's Dignity for All Students Act (The Dignity Act) took effect on July 1, 2012. Just as with the district's Code of Conduct, the new law seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, school buses, and/or at school functions. The Dignity Act includes, but is not limited to, acts of discrimination and harassment based on a student's race, color, weight, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), or sex. The new law calls for each school to appoint a Dignity Act Coordinator who is trained to address issues in areas protected by the law and is accessible to the school community.

### **I. Introduction**

The Mayfield Board of Education 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 and at school functions, 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, which supplements school officials' broad discretion regarding student conduct and the reaction of said school officials. Administrators have the authority to monitor and intervene when any actions are perceived to be improper or unauthorized in the school zone, which includes the school building, the grounds, the school bus, and any school-sponsored activity.

### **II. Definitions**

"Activity" means a general function of a group (eg: yearbook committee)

"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.

"Parent" means parent, guardian or person in parental relation to a student.

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

"School function" means any school-sponsored extra-curricular event or activity, or any event approved by the BOE and sponsored by an outside group.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or 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 damage or destroy the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damage or destroy school district property.

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

### **III. Student Rights and Responsibilities**

#### **A. Student Rights**

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

1. Take part in all district activities on an equal basis, free from harassment or intimidation, regardless of real or perceived race, color, weight, physical appearance, national origin, ethnicity, religion, disability, sexual orientation, gender or physical appearance.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Accept direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Control their anger, work to develop mechanisms to learn self-control.
7. Seek help in solving problems that might lead to a violation of the Code of Conduct.
8. Dress appropriately for school and school functions.
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **IV. Essential Partners**

#### **A. Parents**

All parents are expected to:

1. Sign-in in the Main Office anytime visiting the school campus
2. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.

3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure absences are excused, by providing a written note in a timely manner.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Know school rules and help their children understand that they are required to abide by those rules to maintain a safe and orderly environment.
9. Convey to their children a supportive attitude toward education and the district.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

**B. Staff**

All district staff are expected to:

1. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
2. Guide learning activities so students learn to think and reason, assume responsibility for their actions and respect for the rights of others.
3. Enable students to discuss their problems by listening to students, remaining open minded and considering student recommendations in the decision making process.
4. Be fair, firm and consistent in enforcing school rules in classrooms, hallways restrooms , school buses, school campus and at all school activities.
5. Give positive reinforcement or acceptable behavior.
6. Demonstrate, by work and personal example respect for law, order and self-discipline.
7. Refer to a counselor or administrator any student whose behavior requires special attention.

Seek to develop close cooperative relationships with parents/ guardians for the educational benefit of the student by keeping open communication with parents/guardians and by sending communications home promptly.

**C. Teachers and Other Pupil Personnel Staff**

All district teachers are expected to:

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

**D. Guidance Counselors/School Psychologists and Other Pupil Personnel Staff**

All district guidance counselors, school psychologists, and other pupil personnel staff are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.

3. Regularly review with students their educational progress and post-secondary plans.
4. Provide information to assist students with post-secondary planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Work with teachers in preparing weekly progress reports for parents, as requested.

**E. Principals and Assistant Principals**

All district building principals are expected to:

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

**F. Superintendent, Assistant Superintendent**

The District Superintendent and Assistant Superintendent are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

**G. Board of Education**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

**V. Student Safety: Prohibition of Violence, Harassment, Bullying and Cyberbullying**

The school district encourages students and parents to report threats or incidents of school violence, harassment or bullying to school personnel. The school district provides a variety of prevention and intervention programs addressing the safety of students and school personnel, which are described in the district's annual calendar and on the district website. Harassment is inappropriate conduct or speech, including but not limited to, verbal threats, intimidation or abuse that can interfere with a student's educational performance and/or deny or limit a student's ability to participate in or to receive benefits, services or opportunities in the school's programs. It includes such inappropriate conduct or speech based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender expression, as well as any other characteristic protected by applicable federal, state and/or local law. It also includes: inappropriate conduct or speech that reasonably causes or would reasonably be expected to cause a student or staff member to fear for his or her physical safety; other criminal conduct; and sexting.

Conduct prohibited by this section, if occurring off school grounds, is prohibited if the action adversely affects the educative process or endangers the health, safety or morals of students. Speech occurring off school grounds that is likely to or does materially and substantially interfere with the educational process or violates the rights of others is prohibited. Violations are subject to discipline under Section IX Disciplinary Penalties, Procedures, and Referrals

## **VI. Student Dress Code**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Students may not wear shorts, skirts, or dresses which do not extend past the fingertips when the student's arms are extended by the side of her or his legs.
4. Students should ensure that no skin is exposed between upper and lower garments.
5. Ensure that underwear is completely covered with outer clothing.
6. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
7. Exclude items that are vulgar, obscene, libelous and/or denigrate others on account of race, color, weight, physical appearance, religion, creed, national origin, gender, sexual orientation and/or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal, assistant 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.

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

## **VII. Student Behavior at Extracurricular Activities**

All students are expected to follow the Code of Conduct at all extracurricular events, as well as during school hours. Students that are assigned in-school suspension on the day of an extracurricular event, are suspended out of school on the day of an extracurricular event, are absent, or are unexcused for an absence, tardy or late entry into school more than fifteen (15) minutes may not attend extracurricular school-sponsored events. Students who are suspended out of school must complete a full day of school before they may attend or participate in an extracurricular event. Therefore students suspended out of school on a day prior to a weekend, vacation, or long weekend are also ineligible to attend extracurricular events until they have completed a full day of school. Generally, students cannot attend after school activities on a day they have been absent unless cleared in advance by the principal.

### **A. Dances**

Only Mayfield Jr. Sr. High School students are allowed to attend school dances. The only dances that pre-approved guests from other school districts may be allowed to attend are the Semi-Formal and the Prom. Students are required to sign-in upon arrival and sign out when they leave. Once a student leaves the building, he/she may not return. Students that are assigned in-school suspension, are suspended out of school, are absent, or are unexcused for an absence, tardy or late entry into school on the day of the dance may not attend the dance.

### **VIII. 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 rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
1. Using language or gestures that are profane, lewd, vulgar or abusive.
  2. Engaging in any willful act, which disrupts the normal operation of the school community.
  3. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  4. Computer/electronic communications misuse, including any unauthorized use of computers, software, cellular phones, mp3 players, headphones or internet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
  5. Public displays of affection such as kissing or inappropriate touching.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
1. Failing to comply with the directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
  2. Lateness for, missing or leaving school without permission
  3. Skipping detention
  4. Use cellular phones during instruction
  5. Continuing behavior that has been indicated as inappropriate in the past
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the directions of teachers, school administrators or other school personnel in charge of students.
  2. Causing a public scene, which distracts students or undermines the learning environment.
  3. Disrupting the educational process or substantially interferes with the teacher's authority over the classroom.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, others district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
  8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to or attempting to deceive school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Discrimination, which includes the use of race, color, weight, physical appearance, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Selling, using or possessing obscene material.
  8. Using vulgar or abusive language, cursing or swearing.
  9. Possessing or using any tobacco products
  10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, prescription drugs, look-alike drugs, and any substances commonly referred to as "designer drugs."
  11. Inappropriately using or sharing over-the-counter drugs, including pain killer such as Aspirin, Tylenol, etc.
  12. Gambling.
  13. Exposure to sight of the private parts of the body

14. Initiating a report/warning of fire, bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

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

H. Engaging in any conduct that violates the Mayfield Central School District Equal Opportunity Policy Prohibiting Discrimination and Harassment:

All students and employees have an equal opportunity to pursue educational and employment opportunities offered by the Mayfield Central School District free from unlawful discrimination on the basis of sex (including sexual harassment), race, weight, physical appearance, religion, national origin, age or disability or other basis prohibited by law.

A complete description of the Mayfield Central School District Equal Opportunity Policy (Prohibiting Discrimination and Harassment) is available upon request in the District Office.

## **IX. Reporting Violations**

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

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 principal or assistant principal must notify the appropriate 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.

The district may file a PINS (persons 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 habitual disobedient, and beyond the lawful control of the school.
3. Knowingly and unlawfully possesses any illicit substance (listed in Section VII E #10) in violation of Penal Law S221.05. A single violation of S221.05 will be sufficient basis for filing a PINS petition.

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

1. Any student under the age of 16 who is found to have brought a weapon to school or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedures Law S1.20 (42).

**X. Disciplinary Penalties, Procedures, and Referrals**

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. Other extenuating circumstances.

Except in cases of gross misconduct, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. A student identified as having a disability may be subject to a "Nexus" hearing prior to proceeding to the penalty phase.

**A. Disciplinary Policy for Mayfield Jr. Sr. High School**

The classroom teacher is required to handle discipline matters in his/her classroom. When all attempts by the classroom teacher to resolve the situation have failed, the teacher will notify the principal's office that he or she is sending a student for disciplinary reasons. In the case of serious disciplinary situations, the teacher will notify the main office. An administrator or administrator's representative will report to the teacher's room and escort the student to the main office.

**B. Penalties**

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

1. Oral warning – any member of the district staff
2. Written warning – teacher, assistant principal, principal, superintendent
3. Written notification to parent – assistant principal, principal, superintendent
4. Temporary removal from classroom by teacher – teachers, assistant principal, principal
5. Detention – teachers, assistant principal, principal, superintendent
6. Suspension from transportation – assistant principal, principal, superintendent
7. Suspension from athletic participation – coaches, athletic director, assistant principal, principal, superintendent
8. Suspension from social or extracurricular activities – activity director, assistant principal, principal, superintendent
9. Suspension of other privileges – principal, assistant principal, superintendent
10. In-school suspension – principal, assistant principal, superintendent
11. Short-term (five days or less) suspension from school – principal, superintendent, board of education
12. Long-term (more than five days) suspension from school – principal, superintendent, board of education
13. Permanent suspension from school – superintendent, board of education.

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. Decisions will be based upon a preponderance of evidence.

#### Teacher disciplinary removal of disruptive students

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

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

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

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

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

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

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

#### 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. While in detention, students are required to arrive on time and complete schoolwork until released.

#### Pass Restriction

Students who are late to class or cut class may be placed on pass restriction. Students who are placed on pass restriction may not be issued passes except a pass to the nurse in order to use the lavatory or in case of illness. Students who need to meet with a teacher or use the library must obtain a pre-signed pass from an administrator.

#### 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.

#### Suspension from athletic participation, extracurricular 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. Please refer to the Mayfield Athletic Policy (No. 5208) for more detail.

#### 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. While assigned in-school suspension students are expected to complete all homework assignments given to them by the classroom teacher. Specific ISS guidelines will be developed, implemented, and posted by the building principal, or his designee each year. Students are expected to follow these guidelines during the entire time they are assigned to ISS. Students may not attend any after-school functions on the day an in-school suspension is served. This would include sports practices, drama rehearsals, dances, etc.

#### 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.

#### 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. 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. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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.

When a student is suspended from school they are not allowed on school property, cannot go to sporting events, dances, or other school functions.

#### 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.

#### Permanent suspension

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

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

#### Students who bring a weapon to school

Any student, other than a student with a disability, 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.

### **D. Infractions**

**Late to School:** A student is considered late to school if they arrive after the start of first period (or homeroom) without a written, acceptable excuse. When a student has been late to school three or more

times during the school year, he or she will be assigned an office detention for each subsequent tardy. When a student is late, he or she will sign in at the Nurse's Office or other designated location. Then, the nurse or a designee will send students to the Main Office, at which time the assistant principal or principal will verbally notify the student of the detention site and time. In addition, if the student is significantly late without a legitimate written excuse, the student may be required to report to the in-school suspension (ISS) room for the remainder of the period. In the case of an unexcused late to school, where the student is significantly late, that student may lose credit for all graded activities missed during that class.

**Late to Class:** Students arriving late to class, without a legitimate pass or excuse, will result in an automatic teacher detention. After the third instance, a disciplinary referral will be sent to the office. Students may be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s). Students arriving to class significantly late be assigned to ISS room the period.

**Cutting Class/ Study Hall/ Extra Help Session:** An unexcused absence from a class/ study hall/ extra-help session will be considered a cut. If a student is missing from a class/ study hall/ extra help session, the classroom teacher will send a referral to the office by the end of the day. The student may lose credit for all graded activities missed during that class period. Students may be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Cutting Detention:** Unexcused absence from an assigned detention will result in a reassignment of the original detention. In addition, students may be placed on pass restriction, and will be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Truancy:** Unexcused early departure from school, unexcused tardiness to school, or cutting more than one class in a day are all considered truancy. A student will be assigned an in school suspension (ISS) for each instance of truancy. A referral to the court system may be made. In addition, students may be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Disruptive Behavior in In-School Suspension:** Students who act inappropriately in ISS may receive more ISS time or be suspended from school and may be assigned to ISS upon their return. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Disruptive Behavior in Class:** The teacher may assign detention, call parents, and in the case of gross misconduct send the student to the office for the remainder of the period. Students who are chronically disruptive may be given alternative class time (9<sup>th</sup> period) or removed from the class by the building principal. No one may disrupt the education of others. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Cheating/Plagiarism:** Students who cheat or plagiarize will lose credit for the assignment. A parent conference may be requested. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Inappropriate or Distracting Clothing or Accessories:** All students must follow the dress code outlined earlier in the code of conduct. Students who wear inappropriate clothing or accessories will be asked to change, cover, or remove the clothing or accessory. Failure to do so may result in out-of school

suspension. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s).

**Damage to School Property:** Any damage to school property will require restitution. Disciplinary action may include detention, work, and Students may be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s), including suspension (in and/or out of school). A referral may also be made to law enforcement.

**Possession, Use, or Attempted Use of Tobacco Products on School Property:** Any student caught with tobacco products on school property, or found using tobacco products, will be assigned in-school suspension or out of school suspension. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s). Students will be counseled and may be encouraged to attend educational classes to discourage tobacco usage.

**Use /Possession of drugs or alcohol on school property:** Students caught using or possessing drugs or alcohol on school property will be suspended out of school. Law enforcement will be notified. The possession of drug paraphernalia will result in out of school suspension. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s). Students will be counseled and may be encouraged to attend educational classes to discourage drug or alcohol use.

**Use/Possession of fireworks/stink bombs/incendiary devices:** Students who are caught with fireworks, stink bombs, or any incendiary device may be placed in in-school suspension or suspended out of school. Law enforcement may be notified. In addition, students may also be placed on pass restriction, and may be assigned teacher detention(s), office detention(s), 4 o'clock detention(s), or another disciplinary sanction(s). Students will be counseled and may be encouraged to attend educational classes to discourage tobacco usage.

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. Students with a disability will be subject first to a Nexus hearing.

Students who are repeatedly substantially disruptive of the educational process or repeatedly or 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 may be suspended from school. For purposes of this code of conduct, "repeatedly or 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 an out of school 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 a five-day suspension, the student and the student's parent

will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

**E. Referrals**

1. Counseling

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

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

**XI. Alternative Instruction**

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

**XII. Discipline of Students with Disabilities**

The board recognizes that it may be necessary to invoke procedural protection prior to suspending, removing or otherwise disciplining students with disabilities to address disruptive or problem behavior. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

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

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

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

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.

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.

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

a. 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.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

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.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

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

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year 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.

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

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

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

a. 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.

b. 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.

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

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. 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 a 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.

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.

1. 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.
  2. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
  3. 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.
  4. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
  5. 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.
5. 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.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

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.

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.

- 1) 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.
- 2) 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.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to law enforcement and judicial authorities**

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

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

#### **XIII. Corporal Punishment**

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

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

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

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

#### **XIV. 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 and will inform parents, as soon as reasonable, when a student is the subject of an investigation.

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.

Searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched, unless safety concerns require otherwise.

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

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

**B. Documentation of Searches**

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

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

**C. 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. There are limitations to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students when they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning

or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

The District will refer all conduct issues, which may involve drug testing or body searches to the police and will not conduct such investigative procedures.

#### **D. 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. A school official will be present during all interviews. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel will conduct the exam and will inform the agent of the results.

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. Child Protective Services must inform a parent within 24 hours of an interview.

#### **XV. Visitors to the Schools**

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. 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. Please refer to BOE Policy 1240.1.
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. Individuals must ask the principal in advance to observe classes.

5. Teachers are expected not to take class time to discuss individual matters with visitors. Individuals wishing to speak with a teacher should make an appointment in advance. When a visitor shows up without an appointment, the principal will determine if the visitor may see the teacher. (BOE Policy 1240.1)

Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

#### **XVI. Public Conduct on School Property**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of 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, parents, 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.

All extra-curricular school functions, including dances, banquets, proms, etc. are designated for grades/age appropriate students only. High School functions are to be attended exclusively by students in grade 9 and above, but not exceeding twenty (20) years of age, unless currently enrolled in a public education program. Middle and elementary extra-curricular school functions are likewise exclusively for middle and elementary school students. Where applicable, guests from other school districts who meet the criteria above may be permitted to attend extra-curricular functions with principal approval.

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed. Any unauthorized person on school property will be considered an intruder and will be asked to leave school premises immediately and will be subject to arrest and prosecution if he or she refuses. The superintendent is to be notified in such cases (BOE Policy 1240.1)
7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

**B. Penalties**

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

**C. 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" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

**XVII. Dissemination and Review**

**A. Dissemination of Code of Conduct**

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

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

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

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

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

Before 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.