

SUBJECT: CODE OF CONDUCT

Education, not punishment, is the primary function of the Bethpage Public Schools. Discipline shall focus on prevention and the establishment of a climate in which students are encouraged to be good citizens in the school and community.

Each school operates as a social system with both stated and unstated rules and procedures in existence to make that social system function with a minimum of disruption and disorder. In order to assist each of the District's school communities to function smoothly and effectively, the Board of Education outlines below additional concepts and principles which are to serve as a framework for the development and implementation of written rules, regulations, procedures, and penalties covering student conduct and behavior in compliance with law and the Commissioners Regulations.

- a) A good discipline program requires consistency (regular correction for violations of the same rules), firmness, fairness, timeliness, and purpose.
- b) Student awareness of rules helps to minimize discipline problems. Rules concerning student conduct and discipline shall be clearly stated in writing and shall be accessible to all students and parents.
- c) In enforcing school discipline, all parties must be protected in accordance with law from being demeaned or publicly humiliated, and disciplined in accordance with their due process rights.
- d) Correction should be related to the nature, severity, and frequency of the offense with recognition given to the circumstances in which the offense occurred.
- e) All infractions should be dealt with promptly, including imposition of appropriate penalties, and communication of the extent and nature of the disciplinary action must be made to all parties involved.
- f) Communication with the parents or guardians of a student must be provided so that the home may provide a supportive role in the discipline program.

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

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

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

Rights of Students Attending the Bethpage Schools

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 following rights.

- a) Distribution of literature is a form of free speech and school authorities may regulate the time, manner, and place and duration for distributing literature on school grounds. In addition, school authorities may regulate content in accordance with law.
- b) At the secondary level, an elective and truly representative student directed government with offices open to all eligible students shall be established. All students shall be allowed to vote. The student government shall be elected annually on the basis prescribed by the school constitution.
- c) Students may be suspended from instruction only after their rights pursuant to Law have been observed and only for such offenses as provided by Board Policy and/or law.
- d) Students shall have the opportunity, in all disciplinary matters, to present their version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanctions.
- e) Students shall, in accordance with law, have the opportunity to take part in all district activities on an equal basis regardless of race, sex, national origin, color, creed, gender, sexual orientation, disability, or religion.
- f) Students shall have the opportunity to take part in student government activities unless properly suspended from participation pursuant to the District.
- g) Students shall have the opportunity to know the criteria used for determining academic grades. Such information shall be provided at the beginning of each course or program.
- h) Students shall not be subject to corporal punishment, as provided in District policy.
- i) Students shall have the right to address the Board of Education on an equal basis as any citizen.

Responsibilities of Students

Students are responsible:

- a) To contribute to maintaining a safe and orderly school environment that is conducive to learning, and to show respect to other persons and property.
- b) To be familiar with and abide by all District policies, rules and regulations pertaining to student conduct.

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- c) To be familiar with student rights and responsibilities.
- d) To work to the best of their abilities in all academic or extracurricular pursuits and to strive towards the highest level of achievement possible.
- e) To be in regular attendance at school and in each class.
- f) To report for each class with appropriate materials and assignments completed.
- g) To use appropriate speech and demeanor.
- h) To make constructive contributions to the school and to report fairly the circumstances of school-related issues.
- i) To conduct themselves properly and to exhibit the highest standards of good sportsmanship.
- j) To respect school property and the property of others.
- k) To maintain personal hygiene.

Responsibilities of Parents (Parent means parent, guardian or person in parental relation to student)

All parents should:

- a) Recognize that the education of their child(ren) 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 excused.
- e) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- f) Know school rules and help their children understand them.
- g) Convey to their children a supportive attitude toward education and the district.
- h) Build good relationships with teachers, other parents and their children's friends.
- i) Inform school officials of changes in the home situation that may affect student conduct or performance.
- j) Provide a place for study and ensure homework assignments are completed.

Responsibilities of Support Staff:

All support staff should:

- a) Be responsible for maintaining a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- b) Know school policies and rules, and assist in providing a safe and orderly climate.
- c) Communicate regularly with administrators regarding school climate and student progress.

Responsibilities of Teachers:

Students

All district teachers should:

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

Responsibilities of Guidance Counselors

Guidance Counselors should:

- a) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- b) Regularly review with students their educational progress and career plans.
- c) Provide information to assist students with career planning.
- d) Encourage students to benefit from the curriculum and extracurricular programs.

Responsibilities of Principals

Principals should:

- 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 principal and approach the principal for redress and grievances.
- c) Evaluate on a regular basis all instructional programs.
- d) Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

Responsibility of Superintendent

The Superintendent should:

- 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.

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- c) Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

Responsibilities of Board of Education

The Board of Education should :

- 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.

I. SCHOOL CONDUCT AND DISCIPLINE

It is the board's belief that each student should be treated as a person who can reasonably be expected to be responsible for his or her own behavior. The school administration will assist each student in this program of personal responsibility with a few sensible rules of conduct, focusing on safety and respect for the rights and property of others, consistently applied in the classrooms and throughout the school. Students who do not accept this responsibility and who violate school rules will be required to accept the appropriate consequences.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. The Board recognizes the need to make its expectations for student conduct while on school property or engage 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 will be required to accept the penalties of their conduct.

Any disciplinary action taken will be firm, fair, and consistent in order to be most effective in changing behavior. All policies regarding student conduct and discipline shall be uniformly enforced and distributed annually to the students, parents and staff of the district.

1. Conduct:

For purposes of this code:

- 1. “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; in or on a school

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- bus, as defined in Vehicle and Traffic Law 142 or at a school function.
2. “School Function” means a school-sponsored extracurricular event or activity.

A student may be suspended from school or subjected to other disciplinary action when the student engages in conduct which is:

- A. Disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by actions which may include, but are not limited to:
 1. fighting or engaging in violent behavior;
 2. making unreasonable noise;
 3. using threatening, abusive or obscene language or gestures;
 4. obstructing vehicular or pedestrian traffic;
 5. creating a hazardous or physically offensive condition by any action which serves no legitimate purpose;
 6. engaging in any willful act which disrupts the normal operation of the school community;
 7. trespassing;
 8. computer/electronic misuse, including any violation of the District's Acceptable Use Policy.
- B. Insubordinate i.e., by actions which may include, but are not limited to: failing to comply with the lawful directions of a teacher, school administrator, or other school employee, or failing to observe legally imposed rules and procedures.
- C. Dangerous to the safety, morals, health or welfare of any person including, but not limited to:
 1. subjecting other students, personnel or any other school person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. selling, using, or possessing alcohol, drugs, or other controlled substances or drug paraphernalia or being under the influence thereof;
 3. selling, using, or possessing obscene materials;
 4. engaging in actions or language which is racially, religiously, or ethnically offensive, and/or in violation of a student's civil rights;
 5. smoking or chewing tobacco on school property (see Board Policy #5640);
 6. gambling;
 7. hazing;
 8. engaging in lewd behavior;
 9. vandalizing;

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10. engaging in the unauthorized sale of merchandise on school property;
11. making verbal, written, or electronic threats;
12. engaging in violent behavior;
13. stealing;
14. harassment;
15. using vulgar or abusive language, cursing or swearing
16. defamation; discrimination; intimidation including engaging in action or statements that put an individual in fear of bodily harm;
17. bullying which consists of inappropriate persistent behavior including threats or intimidation of others, treating other cruelly, terrorizing, coercing or habitual put-downs and/or badgering of others;
18. inappropriately using or sharing prescription over the counter drugs;
19. indecent exposure;
20. initiating a report warning of fire or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher.

D. Academically inappropriate, including:

1. lateness or missing or leaving school or class without permission or valid excuse;
2. cheating (including but not limited to copying, using, and possessing unauthorized help sheets and the like; illegally obtaining tests in advance or substituting for a test-taker);
3. plagiarism;
4. altering records;
5. assisting another student in any of the above actions.

E. Violative of the board's rules and regulations for the maintenance of public order on school property.

F. Disruptive - A disruptive student means an elementary or secondary student under the age of twenty-one (21), who is substantially disruptive of the educational process or substantially interferes with a 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. Examples of disruptive conduct may also include but are not limited to:

1. failing to comply with the reasonable directions of teachers, school administration or other school personnel in charge of students;

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2. inappropriate public sexual conduct

G. Violent

By actions which may include, but are not limited to:

1. a student who commits an act of violence upon a teacher, administrator, or other school employee while on school property, or attempts to do so;
2. commits an act of violence while on school property; upon another student or any other person, or attempts to do so;
3. possesses, while on school property a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
5. threatens, and or uses while on school property, any instrument in any manner in which it is capable of causing physical injury or death;
6. knowingly, and intentionally damages or destroys the personal property of a teacher, administrator, or other school district employee or any person lawfully upon school property; including but not limited to graffiti or arson or
7. knowingly and intentionally damages or destroys school property.

- H. Off Campus Misconduct -Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or substantially disrupts the educational process. Examples of such misconduct include, but are not limited to: Cyberbullying (i.e. inflicting willful and repeated harm through the use of electronic text); Threatening or harassing students or school personnel over the phone; Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel; threatening and/or committing an act of violence.

2. Penalties:

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

1. verbal warning;
2. written warning;
3. notification of parents;
4. probation;

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5. reprimand;
6. detention;
7. suspension from athletic participation;
8. suspension from social or extracurricular activities;
9. suspension of other privileges;
10. exclusion from a particular class;
11. in-school suspension;
12. suspension (short or long term);
13. criminal and/or civil prosecution.
14. suspension from transportation
15. permanent suspension

Penalties may be imposed either alone or in combination. Depending upon the nature of the violation, it is the Board's desire that student discipline be progressive, moving from lighter to more serious penalties as the number of violations increase. It is also the Board's desire that an employee or agent take into account all relevant factors in determining an appropriate penalty.

A. Minimum Periods of Suspension

1. Students who bring firearms and other items deemed to be weapons to school
Students who bring firearms to school shall be subject to the minimum suspension requirements as set forth in the District's Gun-Free Schools Policy (District policy #7331). A student with a disability may be suspended only in accordance with the requirements of State and Federal Law.
2. Students who commit violent acts other than bringing a firearm to school
Any student, who is found to have committed a violent act, other than bringing a firearm onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five (5) day suspension, the student and the student's parents shall be given the same notice and opportunity for an informal conference which, pursuant to law, is given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five (5) day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference which, pursuant to law, is given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis, based on factors such as: the student's age; the student's grade in school; the student's prior disciplinary record; the superintendent's belief that other forms of discipline may be more effective; input from parents, teachers and/or others; other

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extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of State and Federal Law.

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom (as defined in the Commissioner's regulations) will be suspended from school for at least five (5) days. If the proposed penalty is the minimum five (5) day suspension, the student and the student's parents shall be given the same notice and opportunity for an informal conference which, pursuant to law, is given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five (5) day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference which, pursuant to law, is given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis, based on factors such as: the student's age; the student's grade in school; the student's prior disciplinary record; the superintendent's belief that other forms of discipline may be more effective; input from parents, teachers and/or others; and other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of State and Federal Law.

3. Student Disciplinary Proceedings

In order to provide for the early identification and resolution of discipline problems, pupil service personnel, administrators, teachers, and others shall report students to the building principal when they believe such students present a continuing discipline problem. The principal shall investigate the reports and take whatever action he or she deems appropriate. In addition, all students are expected to promptly report violations of this code to a teacher, guidance counselor, building principal, or his/her designee.

The principal in each building shall meet regularly with a school-based team comprised of pupil service personnel, school psychologist, school nurse, school social worker, teachers and administrators. Students with persistent discipline or learning problems are to be referred to the school-based team for consideration and disposition. If the team suspects that the problem may be a manifestation of a handicapping condition, they shall refer the matter to the Committee on Special Education in the manner prescribed by Section 200.4 of the Commissioners Regulations.

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If the school-based team believes, or if the Committee on Special Education determines, that the problem is not due to a handicapping condition, the school-based team shall develop appropriate plans for remediating the student's behavior. 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.

Measures available to building administrators and school-based teams for remediating inappropriate student behavior, including the following:

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.

B. In-School Suspension

The Board of Education recognizes the importance of school attendance and thus views suspension from school as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can occur.

In-school suspension shall be used as an alternative to suspension from school in order to provide more meaningful discipline and continuity of instruction. To the extent practicable, the student's education shall continue uninterrupted in an alternative, in-school suspension. Therefore:

1. At the discretion of the building principal or designee, a student may as the result of a disciplinary infraction be placed on in-school suspension for a period not to exceed five (5) school days.
2. Prior to the imposition of an in-school suspension, the student shall be provided with an opportunity to explain the facts and circumstances surrounding the alleged infraction.
3. Upon imposition of an in-school suspension, the student's parent(s) shall be notified of the dates of the in-school suspension and the reasons therefore. The parent(s) shall be given an opportunity for a conference with the principal and any appropriate teachers or staff, if desired.
4. The suspended student shall report to the designated suspension room on the date and at the time designated, and shall remain in the designated suspension room for the period of time designated by the principal.

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5. The principal shall be responsible for implementing procedures for providing instruction and assignments for suspended students and for maintaining appropriate supervision and decorum in the suspension room.

C. Suspension from School

1. The authority to suspend students from attendance at school for up to five (5) days lies with the building principal or other administrator designated by the principal to serve as acting principal in his/her absence.
2. For suspensions of five (5) days or less:
 - a. The Superintendent or principal (a suspending authority) shall immediately provide the student and his/her parent or guardian with oral notice of the charges against him/her. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension;
 - b. The suspending authority must then notify the student's parents/guardians in writing that the student may be suspended from school;
 - c. The notice shall contain a description of the charges against the student and the incident for which suspension is proposed;
 - d. The notice shall also inform parents/guardians of the right to request an immediate informal conference with the principal;
 - e. The written notice shall be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension. The notice shall be sent to the last known address of the parents;
 - f. The notice and conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses in accordance with procedures established by the principal;
 - g. The notice and opportunity for an informal conference shall take place prior to the student's suspension unless the student's presence in school poses a continued danger to persons or property or an ongoing threat 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 must occur as soon after the suspension as is reasonably practicable;

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When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the District will take immediate steps to provide alternative means of instruction for the student. In arranging for this instruction, the district shall follow the procedures outlined in Administrative Regulations entitled "*Procedure for Providing Alternative Instruction During a Suspension.*"

5. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 USC § 812 (c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or

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- b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School Day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the

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function of a bodily member, organ or mental faculty.

11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

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

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

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1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the districts jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

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

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

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

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

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

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

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parent Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

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

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

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

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

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

The manifestation team must base its determination on a review all relevant information In the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

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

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

Services for Students with Disabilities during Periods of Suspension or Removal

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

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students.

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Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

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

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

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the

Students

Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

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

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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

Expedited Due Process Hearings

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

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;

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2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

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

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA)

6. 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-

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out in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

1. A classroom teacher may remove a disruptive student from class for up to three (3) class periods at the secondary school level, and up to 1/2 day at the elementary level. The removal from class applies to the class of the removing teacher only.
2. 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.
3. 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 twenty-four (24) hours provided that if such 24 hour period does not end on a school day it shall be extended to the corresponding time on the next school day.
4. 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.
5. Within twenty-four (24) hours after the student's removal, provided that if such 24 hour period does not end on a school day it shall be extended to the

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- corresponding time on the next school day 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.
6. 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 twenty-four (24) hours of the student's removal, provided that if such 24 hour period does not end on a school day it shall be extended to the corresponding time on the next school day 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.
 7. If, at the informational meeting, the student denies the charge, the principal or principal's designee shall provide an explanation of the basis for the removal and allow the student and or his her parents/guardians to provide an opportunity to present the student's version of the relevant events. This informal hearing shall be held within forty-eight (48) hours of the student's removal, provided that if such 24 hour period does not end on a school day it shall be extended to the corresponding time on the next school day however, the timing of the informal conference may be extended by mutual agreement of the parent and the principal.
 8. The principal or principal's designee shall only set aside the removal of the student from class if the principal finds that:
 - a. The charges against the student are not supported by substantial evidence;
 - b. The student's removal is otherwise in violation of law, including the District's Code of Conduct; or
 - c. The conduct warrants suspension from school pursuant to Education Law 3214, and a suspension will be imposed.
 9. The principal or his/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 forty-eight (48) hour period for the informal conference, provided that if such 24 hour period does not end on a school day it shall be extended to the corresponding time on the next school day, if a conference is requested. No student removed from the classroom by the classroom teacher shall return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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10. Any disruptive student removed from a classroom by the classroom teacher shall be offered continued education programming and activities until he/she is permitted to return to the classroom.
11. Removal of a student with a disability, under certain circumstances, could constitute a change in the student's placement. Teachers should consult with the Principal or Director of Pupil Personnel Services regarding such removal.

7. Initiation of a Student Disciplinary Proceeding

Any teacher, administrator, board member, parent or other person may report a violation of the student disciplinary code to the Superintendent or any building principal. After an appropriate investigation, a formal or informal disciplinary proceeding may be instituted, if warranted, or a referral may be made to the Committee on Special Education when appropriate.

8. Student Bus Rules and Regulations

Transportation services are provided to students in accordance with District policy. Such transportation is a privilege and may be withdrawn if the student does not comply with rules and regulations.

Bus drivers shall insist upon reasonable and acceptable behavior of students while riding the school bus. The Superintendent and/or his/her designee have the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses or whose behavior prevents a bus driver from safely transporting his/her passengers. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely. 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 parents 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. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

9. Restitution

A. Restitution for Loss or Destruction of District Property

Pursuant to General Obligations Law 3-112, the District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

1. has willfully, maliciously, or unlawfully damaged, defaced, or destroyed real or personal property in the care, custody and/or ownership of the District; or

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2. has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

The District may also require payment for loss of damaged books or other District equipment.

In addition, the District reserves the right, to pursue, in accordance with law, all other available means of seeking restitution from the parent/guardian of any student and disciplinary consequences.

B. False Reporting of an Incident and/or Placing a False Bomb

Pursuant to General Obligations Law 3-112, a School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) were such student:

1. has falsely reported an incident; or
2. has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

If the District seeks restitution pursuant to General Obligations Law 3-112, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

The District also reserves the right to pursue, in accordance with law, all other available means of seeking restitution from the parent/guardian of any student.

10. 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. Although students are protected by the Constitution from unreasonable searches and seizures, a student may be searched on school grounds or in a school building when there is reason to believe the student is engaging in any proscribed activity which is in violation of school rules and/or is illegal. In addition, an authorized school official may conduct a

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search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicions, so long as the school official has a legitimate reason for the very limited search; as well as any other search which is consistent with law.

A. Lockers, Desks, District Computers, and other School Storage Spaces

The rules of this code regarding searches of students and their belongings do not apply to student lockers, desks, district computers and other school storage places. Lockers, desks, district computers and other school storage places are provided by the school for student use and the administration has the right to search these areas. A student may be granted exclusive use of a locker, district computer or other school storage area as far as other students are concerned but THE STUDENT DOES NOT HAVE A REASONABLE EXPECTATION OF PRIVACY WITH RESPECT TO LOCKERS, DESKS, DISTRICT COMPUTERS AND OTHER SCHOOL STORAGE AREAS, since these places are the property of the District. STUDENT LOCKERS, DESKS, DISTRICT COMPUTERS AND OTHER SCHOOL STORAGE AREAS MAY BE SUBJECT TO SEARCH AT ANY TIME BY SCHOOL OFFICIALS WITHOUT PRIOR NOTICE TO STUDENTS AND WITHOUT THEIR CONSENT.

B. Questioning of Students

School officials have the right to question students and conduct investigations regarding alleged or suspected violations of school rules and/or illegal activity. Such investigations may include the questioning of students, staff, parents/guardians, or other individuals as may be appropriate, in determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school official's focus on the actions of one particular student, the student will be questioned by the appropriate school administrator. The degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity of further action that may occur as a result. School officials are not required to contact a student's parent before questioning the student. Students are not entitled to any sort of [Miranda type warning, before being questioned by school officials.

C. Police Involvement in Searches and the Interrogation of Students

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it must be in accordance with applicable law and due process procedures.

If deemed appropriate and/or necessary, the Superintendent/designee may confer with

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School District legal counsel to address concerns and determine appropriate action.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions and shall at all times act in a manner that protects and guarantees the rights of student and parents. Police officials have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. 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 of 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.

11. Student Dress Code

The responsibility for the dress and appearance of students shall rest with individual students and parents. Teachers and other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. Students and parents have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge upon the rights of others. In this regard:

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1. a student's dress, grooming and appearance shall be safe, appropriate and not disruptive or interfere with the educational process.
2. extremely brief and see through garments are not appropriate such as tube tops, net tops, halter tops, spaghetti straps and see-through garments;
3. students are required to wear appropriate footwear at all times;
4. students shall not be permitted to wear hats in the classroom except for a medical or religious purpose;
5. student dress shall 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.
6. a student's dress, grooming and appearance shall not promote and/or endorse the use of alcohol, tobacco or other illegal drugs and/or encourage other illegal or violent activities.
- 7.

The administration is authorized to take action in instances where individual dress does not meet these stated requirements or is otherwise vulgar, offensive or contrary to school policy in accordance with decisions of the Commissioner of Education.

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. 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.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts and tee shirts, they may not prescribe a specific brand which students must buy.

12. Student Use of Computerized Information Resources

All students must comply with the District's policies and regulations regarding the acceptable use of the District's computer resources. Violation of any policy or regulation in that regard, shall subject a student to discipline.

13. Alcohol, Drugs and Other Substances

The Board of Education recognizes that the use of drugs and/or alcohol is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing, exchange and/or selling, use and/or possession of alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any

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school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be not permitted to from enter school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a certifiable comprehensive program shall be developed addressing alcohol and other substances to include the following elements:

- A. Primary Prevention
Preventing alcohol and other substance use/abuse by students shall be the major focus of a comprehensive K-12 program in which proactive measures of prevention and early intervention are emphasized.
- B. Intervention
School-based intervention services shall be made available to all students, grades K-12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol and other substances and to identify students considered to be at risk for use/abuse.
- C. Disciplinary Measures
Strict disciplinary measures will be imposed on students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs or otherwise engaging in substance-related misconduct.
- D. Staff Development
There shall be ongoing training of District staff about the components of an effective alcohol and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies, and regulations. Teachers shall be trained to implement the District's K-12 alcohol and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.
- E. Implementation, Dissemination and Monitoring
Parents, students and staff shall be informed annually of the provisions of this policy. The Superintendent will develop and implement these regulations.

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

14. Corporal Punishment

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Corporal punishment as a means of student discipline is prohibited in the Bethpage Schools. Teachers, administrators, officer, employee or agents, of this School District shall use physical force with students only when alternative procedures and methods not involving physical forces have failed and only for purposes of:

1. Self-protection;
2. Protection of others;
3. Protection of property; or
4. Restraining/removing a disruptive 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.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report each year to the Commissioner of Education, with copies to the Board of Education, setting forth the substance of each use of corporal punishment during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

15. Referrals:

- A. The PPS Office shall handle all referrals of students to counseling.
- B. The police will be notified, whenever a criminal offense (i.e., false alarm or bomb threat, vandalism, use or possession or sale of controlled substances, etc.) has been committed and at such other times as deemed appropriate. All infractions of the discipline code and/or public law will be subject to disciplinary proceedings as described in this policy.
- C. 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 in the child's placement.
 2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, in accordance with law.
- D. PINS Petitions
The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of eighteen (18) who demonstrates that he or she requires supervision and treatment by:

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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 possessing marijuana in violation of Penal Law 221.05. A single violation of Penal Law 221.05 will be a sufficient basis for filing a PINS petition.

E. Juvenile Delinquents and Juvenile Offenders

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

1. Any student under the age of sixteen (16) who is found to have brought a weapon to school or
2. Any student fourteen (14) or fifteen (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 sixteen (16) and older or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status, to the appropriate law enforcement authorities.

II. ALTERNATIVE EDUCATION PROGRAMS

Those students who persistently and demonstrably indicate that they cannot benefit from the learning experience offered within the regular school program and/or that they persistently and demonstrably interfere with the opportunities of others to learn, shall be referred to the school based team for screening and recommendation. Such referrals may be made by teachers, parents, or administrators.

A. Criteria for Placement:

1. Academic performance is deficient to the point where students are, or at least are likely candidates to be, multiple failures;
2. Student behavior which deviates substantially from the norm with respect to attendance (tardiness, truancy, and cutting); and
3. Student behavior which is anti-social and which seriously disrupts the educational program.

B. Assignment Process:

When all other means and methods for helping the student adjust to the traditional school program have been exhausted (parent conferences, detentions, suspensions, etc.), the student shall be referred to the school-based team. Students will be carefully evaluated by the school-based team before recommended placement in the program.

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The school-based team will submit a recommendation for placement to the building principal who shall seek parental approval.

C. Alternative Instructional Location and Length of Day:

Alternative Education Programs may be scheduled within the school district during, before, or after the regular school day. Students may be assigned, in accordance with law, to Alternative Education Programs outside the school district, such as: BOCES, private schools, other public schools, etc. The length of the day for pupils assigned to Alternative Education Programs shall be flexible and appropriate to student needs. When appropriate, transportation will be provided to the site of the alternative instructional program.

III. VISITORS TO THE SCHOOLS

All visitors shall be required upon their arrival, to report to the main office of the building to which they would like to enter. Visitors to classrooms for any purpose require permission in advance from the building principal, or prior appointment with the teacher, in order to allow the teacher the opportunity to arrange his/her schedule to accommodate such requests. Visitors are required to abide by the rules and procedures set forth by the school, for visitation. When individual Board members visit the schools, they must also abide by the regulations and procedures adopted by the District regarding visitors to the schools.

IV. PUBLIC CONDUCT ON SCHOOL PROPERTY

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. For purposes of this section of the code, a "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel. The purpose of this code is to maintain public order and prevent abuse of the rights of others. In this regard, no person either alone or with others shall:

1. Intentionally injure another person or threaten to do so.
2. Obstruct vehicular or pedestrian traffic, violate the traffic laws, parking regulations, or other restrictions on vehicles.
3. Engage in acts which disrupt the normal operation of classes, school programs, or other activities.
4. Enter any portion of the school premises without authorization; fail to follow the rules for entering as a visitor to the school, or remain in any building or facility after it is normally closed.
5. Engage in measures to gain unauthorized access to any of the District's

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- facilities and resources, including but not limited to, the District's computer technology.
6. Intentionally damage, destroy, or misuse school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
 7. Refuse to comply with any reasonable directive of identifiable school officials performing their duties.
 8. Possess, consume, sell, distribute or exchange alcoholic beverages and/or controlled substances, or be under the influence of either, on school property or at a school function.
 9. Smoke in schools or on school property..
 10. Possess or use weapons, or any instrument in a manner which could invoke physical harm, in or on school property or at a school function, except in the case of law enforcement officers or as specifically authorized by the school district.
 11. Intimidate, harass or discriminate, against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability.
 12. 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.
 13. Loiter on school property.
 14. Gamble on school property or at school functions.
 15. Engage in the unauthorized sale of merchandise on school property.
 16. Engage in any criminal act while on school property or at a school function.
 17. Willfully incite others to commit any of the acts prohibited by this code.
 18. Violate any District policy, regulation, rule and/or procedure.
 19. Violate any federal or state statute, regulation, and/or local ordinance while on school property or while at a school function.

A. Penalties

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function may be withdrawn and they may be directed to leave the premises. If they refuse to leave, they shall be removed by law enforcement. Where relevant, the District may pursue civil and or criminal action.
2. Students: They shall be subject to disciplinary action as the circumstances warrant and in accordance with the procedures outlined herein.
3. Tenured Faculty Members: They shall be subject to disciplinary action as the

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- circumstances warrant, in accordance with Education Law 3020-a and/or any other legal rights to which they are entitled.
4. Staff Members in the Classified Civil Service Entitled to the Protection of Civil Service Law 75: They shall be subject to immediate removal and to disciplinary action, as the circumstances may warrant, in accordance with Civil Service Law 75 and/or other legal rights to which they are entitled.
 5. Employees other than those described in subdivisions 4 and 5: They shall be subject to warning, reprimand, suspension, or dismissal as the circumstances may warrant, in accordance with any legal rights to which they are entitled.

These regulations and penalties are not considered to be inclusive nor do they preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

B. Enforcement:

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. If the building principal or his or her designee sees an individual engaged in prohibited conduct, the principal or his or her designee shall take immediate measures to cease the activity. These measures may include, where appropriate, telling the individual that the conduct is prohibited and attempting to persuade the individual to stop, warning the individual of the consequences for failing to stop, having the individual removed immediately from school property or the school function, and contacting local law enforcement authorities.

The District encourages all students, employees, and visitors, to report instances of misconduct to the District. The District shall initiate disciplinary action against any student or staff member, as appropriate, in accordance with this policy. In addition, the District reserves the right to pursue a civil or criminal legal action against any person violating this code and or any other District policy, regulation, rule or procedure.

V. 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.

Students

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.

This policy and the Board's rules and regulations for the maintenance of public order on school property will be publicized and explained to the teaching staff and to assure the effectiveness of this student discipline code, the Board requests the continuing assistance of parents in explaining and enforcing this code. A student handbook will be made available each year for the entire student population.

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 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.

Adopted 8/01
Revised 1/02
Re-adopted 8/31/04
Re-adopted 8/30/05
Re-adopted 8/29/06
Re-adopted 7/11/07
Re-adopted 8/26/08

Students