



## **SULLIVAN WEST CENTRAL SCHOOL DISTRICT HOME OF THE BULLDOGS CODE OF CONDUCT**

Dear Bulldogs,

The Code of Conduct was developed to provide the Sullivan West School Community with a set of rules outlining the norms, responsibilities and proper practices of our organization. It was revised and updated for the 2023-2024 school year based on input from students, staff, parents/guardians and administration. The document's goal is to provide this information in a more user friendly way so that it can be helpful to our students, staff, and greater community. We hope that this continues to guide our school community to ensure that it best protects the rights, safety, and security of our students and staff, and that it reflects the real-life situations they encounter in our school buildings. We encourage you to read this manual and use it as a reference, should the need arise. Should you have any questions or concerns, please contact your child's school and speak with the appropriate administrator.

Sincerely,

Dr. Bressler, Superintendent of Schools,  
the Board of Education, and our Code of Conduct Committee

### **Board of Education**

Mrs. Rose Joyce-Turner, President  
Mrs. Kathleen Meckle, Vice President  
Mrs. Katrina Chellis, Board Member  
Mrs. Jennifer Nystrom, Board Member  
Mr. Matthew Halloran, Board Member  
Mrs. Kristy Sigelakis, Board Member  
Mr. Brian Kitson, Board Member  
Mr. Michael Ellmauer, Board Member  
Mrs. Jackie Rutledge, Board Member  
Mrs. Christina Kautz, District Clerk

### **Code of Conduct Committee**

Dr. Kathleen Bressler	Mrs. Sheri Parucki	Mr. Kurt Buddenhagen
Mr. Scott Haberli	Mr. Kevin Carbone	Mr. Mark Plescia
Mrs. Amanda Mall	Ms. Hilda Monfredo	Mrs. Maureen Casey-Bryant
Mrs. Michele Brockner	Ms. Katelyn Kelly	Mrs. Dorothy Grecco
Mrs. Jenna Sayers	Ms. Tracey Gorr	

**Sullivan West Central School District**  
**Code of Conduct**  
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## **Mission, Vision, and Core Values of the Sullivan West Central School District**

### **Mission:**

We prepare students to be engaged, passionate and contributing members of their community.

### **Vision:**

We provide an educational experience rich with individualized opportunities in an inclusive and nurturing environment where each students' path is both honored and supported.

### **Core Values:**

*We believe that we can achieve our vision and accomplish our mission if in all of our work we focus on clearly defined and consistently demonstrated core values.*

*To that end, in all of our actions and interactions we will:*

- Focus on students first.
- Model collaborative approaches and respect for all students, staff and community members.
- Think deeply and process decisions thoughtfully.
- Demonstrate commitment, perseverance and a “get the job done” work ethic.
- Act with integrity and honesty.
- Be passionate, committed and engaged.

## **Introduction**

The Sullivan West Central School District maintains high standards of academic excellence and behavior for students in the schools. A safe and orderly atmosphere, essential to achieving educational success, requires that everyone in the school community contribute to the establishment of a positive learning environment.

The District believes that establishing a school environment that is safe, and respectful of all learners must be a shared responsibility between school, home, and community. The Sullivan West Code of Conduct was developed in collaboration with stakeholders from throughout the District. It has been determined that an effective code must:

- Identify, recognize and emphasize acceptable behavior;
- Identify, recognize and prevent unacceptable behavior;
- Promote self-discipline;
- Consider the welfare of the individual as well as that of the school community as a whole;
- Promote a close working relationship between parents/guardians and the school staff,
- Distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- Provide appropriate disciplinary responses;
- Outline procedures to ensure reasonable and consistent administration of discipline;
- Maintain every person's right to reasonable hearing procedures and due process when accused of misconduct; comply with the provisions of federal, state and local laws, as well as the guidelines and directions of the New York State Department of Education and the Board of Regents.

This Code applies to all students, and as specified to school personnel, parents/guardians and other visitors when on school property or attending any school function. Additionally, the District has the legal authority and reserves the right to discipline students for "off-campus conduct" (i.e., conduct that occurs off school property and not at school function) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educative process.

The District also has the legal authority and reserves the right to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school. Nothing in this Code shall limit the authority of school officials to implement this Code with students from other schools, within or outside the District.

We believe an effective code of conduct will enable young people to become responsible, respectful and caring citizens. The Sullivan West Code of Conduct is designed with that end in mind.

## **Code of Conduct Definitions**

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

**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.

**Controlled Substance:** A drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. §812(c)).

**Cyberbullying:** Harassment or bullying as defined immediately below, where such harassment or bullying occurs through any form of electronic communication.

**Dignity Act Coordinators (DACs):** Refers to one or more staff members in each school, appointed by the Board of Education, who are: (i) instructed about the provisions of the District's Dignity Act policy; (ii) thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; (iii) provided with training which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; (iv) provided with training in the identification and mitigation of harassment, bullying and discrimination; and (v) provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

**Disability:** A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or a record of such an impairment; or a condition regarded by others as such an impairment, provided, however, that in all provisions of Article 15 of the New York Executive Law dealing with employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**Disciplinary:** change in placement means a suspension or removal from a student's current educational placement that is either: for more than 10 consecutive school days; or 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.

**Discrimination:** Discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.

**Disruptive Student:** Any student under the age of 21 who is substantially disrupting the educational process or substantially interfering with the teacher's authority over the classroom.

**Drug-related Paraphernalia:** Includes any equipment, device or instrument that on its face is used for the production, concealment, consumption, packaging, distribution, or ingesting of a controlled substance, illegal substance or prohibited substance. This includes but is not limited to hash pipes, water pipes, e-cigarettes, e-vaporizers, clips, rolling papers, or any other items related to drug use or drug distribution.

**Emotional Harm:** That takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**Employee:** Any person receiving compensation from a school district or employee of a contracted services provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provision of such title for the provision of services to such district, its students or employees directly or through contract, whereby such services performed by such person involve direct student contact.

**Gender:** A person's actual or perceived sex and includes a person's gender identity or expression.

**Harassment or bullying:** The creation of a hostile environment by conduct or by verbal and non-verbal actions in the form of threats, intimidation or abuse, including cyberbullying that:

- a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
- c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- d) occurs off school property and creates or would foreseeably create a risk of substantial disruption with the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The foregoing definition includes acts of harassment or bullying that occur: (i) on school property; (ii) at a school function; or (iii) off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, or where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Hazing:** Committing an act against a student or pressuring, coercing, or forcing a student (typically although not necessarily as part of an induction or initiation process), into committing an act, that humiliates, degrades, abuses or endangers the student, physically or emotionally, regardless of the student's willingness to participate.

**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.

**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 the student to continue to participate in the general curriculum and progress towards meeting the goals set out in the student's IEP, as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior to prevent it from recurring.

**Parent/Guardian:** A birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in Education Law, section 3212; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides); or a surrogate parent who has been appointed in accordance with section 200.5(n) of this Part. The term does not include the State if the student is a ward of the State. A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

**Removal:** means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an interim alternative educational setting (IAES).

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

**School Function:** Any school-sponsored event or activity on or off school property, including in another state.

**School Property:** 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.

**Serious Bodily Injury:** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality.

**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.

**Suspension:** The act of a Building Principal (or acting principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the attendance or presence of a student from their regular classes and/or extra-curricular activities for conduct that is insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Teacher Removal:** The act of a teacher in discontinuing the presence or attendance of a disruptive student in their classroom consistent with the code of conduct.

**Violent Student:** A student under the age of 21 who:

- commits an act of violence upon a school employee;
- commits, while on school district property, an act of violence upon another student or any other person lawfully on said property;
- possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- Displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
- threatens, while on school district property, to use any instrument that appears capable of causing death or physical injury;
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school district property; or
- knowingly and intentionally damages or destroys school district property

**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.



## DIRECTORY OF SUPPORT SERVICES

Board of Education – District Clerk	(845) 482-4610 ext. 3000
Superintendent’s Office	(845) 482-4610 ext. 3000
Director of Student Services/District Dignity Act Coordinator	(845) 482-4610 ext. 3009
Athletic Director & Dean of Students	(845) 932-8401 ext. 1105
Homeless Education Program	(845) 482-4610 ext. 3009
Elementary Principal/Elementary Dignity Act Coordinator	(845) 482-4610 ext. 2141
Elementary Assistant Principal	(845) 482-4610 ext. 2158
Elementary School Main Office	(845) 482-4610 ext. 2158
Elementary School Counselor	(845) 482-4610 ext. 2100
Elementary Social Worker	(845) 482-4610 ext. 2107
Elementary School Resource Officer (SRO)	(845) 482-4610 ext. 2126
Middle School Principal/Middle School Dignity Act Coordinator	(845) 932-8401 ext. 1100
Middle School Counselor	(845) 932-8401 ext. 1111
Middle/High School Social Worker	(845) 932-8401 ext. 1107
Middle/High School Main Office	(845) 932-8401 ext. 1100
Middle/High School Resource Officer (SRO)	(845) 932-8401 ext. 1310
High School Principal/High School Dignity Act Coordinator	(845) 932-8401 ext. 1101
High School Counselor	(845) 932-8401 ext. 1112
High School Counselor	(845) 932-8401 ext. 1110

## **Rights and Responsibilities of the School Community**

In accordance with the requirements of the New York Education Law, the Sullivan West Central School District respects the right of each child, between the ages of three and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state who turn six on or before December 1st are required by law to regularly attend school until the end of the school year during which they turn 16, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. Students may be removed from the classroom, suspended temporarily or suspended permanently from school in accordance with this Code and applicable law.

Only students within the compulsory education ages (i.e., from age 6 until the end of the “school year” during which a student turns age 16) are entitled to alternative, equivalent instruction during suspension. For purposes of the compulsory education law, the “school year” is defined as July 1<sup>st</sup> through June 30<sup>th</sup>.

## **Reporting**

All violations of this Code will be reported to the building administration. Any violations that are related to the Dignity for all Students Act (Dignity Act) related will be forwarded to the applicable Dignity Act Coordinator(s).

## **Rights of Students**

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:

- Attend a safe, healthy, orderly, respectful, and civil school environment, including the right to be protected from harassment, bullying, cyberbullying and discrimination including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.
- Access school rules and, when necessary, receive an explanation of those rules from school personnel;
- Be guided by a discipline policy, which is fairly and consistently implemented and have an opportunity to present their version of the relevant events to school personnel authorized to impose disciplinary penalties;

- Participate in school-sponsored and school–authorized student activities, subject to and conditioned upon appropriate conduct as established by this Code of Conduct and by any additional rules promulgated specifically for participation in extra-curricular and/or co-curricular activities.

### **Responsibilities of Students**

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected to:

- Accept responsibility for his/her actions;
- Respect the rights of others, including their right to secure an education in an environment that is orderly and disciplined;
- Attend school on a regular and punctual basis;
- Complete class assignments and other school responsibilities by established deadlines;
- Show evidence of appropriate progress toward meeting course and/or diploma requirements;
- Respect school property, e.g. lockers, and help to keep it free from damage;
- Obey school regulations and rules made by school authorities and by the student governing body;
- Recognize that teachers, faculty and staff assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- Become familiar with this code and seek interpretation of parts not understood;
- Actively discourage inappropriate behavior of other students and report such incidents to the administration;
- Refrain from engaging in harassment, bullying and/or discrimination and to report and encourage others to report incidents of harassment, bullying and/or discrimination.

### **Shared Responsibility – Including Parents/Guardians, School Personnel, Administration and Board of Education**

The Sullivan West School District believes that it takes the partnership and commitment of students, parents/guardians, faculty, staff, administration and the Board of Education to successfully support our students to become responsible, respectful and caring citizens. To that end we all agree on the following responsibilities to:

- Provide each student with a challenging, supportive education experience that maximizes student potential.
- Cooperate and communicate with each other, parents/guardians and school, to jointly resolve any school related problem.
- Report any and all violations of the code to administration including incidents of harassment, bullying and/or discrimination.

- Provide support and positive reinforcement to students by identifying needs and the appropriate supports to meet those needs in and outside of the school community.
- Model desirable standards of behavior through personal example, especially while on school property or attending school events.
- Seek to develop a sound and healthful atmosphere of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender, so as to strengthen each student's positive self-image and promote learning.
- Review, clarify and promote understanding of and enforce the Code of Conduct.

### **Additional Responsibilities of Each School Community Member**

#### **Responsibilities of Parents/Guardians**

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents/guardians are urged to:

- Show an enthusiastic and supportive attitude toward school and education by fostering school pride, insisting on prompt and regular attendance and providing a place conducive for study and completion of assignments;
- Recognize that faculty and staff merit the same consideration and respect that parents/guardians expect from their child;
- Set realistic standards of behavior for their child and resolve to remain firm and consistent;
- Help their child learn to deal effectively with negative peer pressure;
- Be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

#### **The Responsibilities of School Personnel**

All faculty and staff know that they work every day with this nation's most precious commodity- the future generation. In view of this responsibility, school personnel must:

- Recognize that some disciplinary problems are caused by a student's personal and academic frustrations. Identify changing student behavior patterns and notify appropriate personnel
- Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
- Treat students ethically and responsibly;
- Comply with state educational law regarding corporal punishment and mandated reporting of suspected parental child abuse and/or child abuse in an educational setting;
- Confront issues of harassment, bullying and/or discrimination or any situation that threatens the emotional, physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;

## **Building Administration Responsibilities**

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- Evaluate the program of instruction in their school to achieve a challenging and meaningful educational program;
- Develop procedures which reduce the likelihood of student misconduct in and outside of the classroom;
- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances and to assist staff members to resolve problems which may occur;
- Comply with pertinent state laws governing hearings, suspensions, and student rights; and ensure that all discipline cases referred are resolved promptly;
- Develop behavior guidelines and appeal procedures specific to each assigned school in harmony with this “Code of Conduct”.

## **District Administration Responsibilities**

As the educational leaders of the school system, the Superintendent of Schools and District Administrators must:

- Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades Pre-K-12;
- Recommend to the Board of Education appropriate policies, regulations and actions to achieve optimum conditions for positive learning;
- Develop and implement an effective “Code of Conduct” supportable by students, parents/guardians, staff and community;
- Ensure that the “Code of Conduct” is implemented and enforced in a consistent, reasonable, fair and equitable manner.

## **The Responsibilities of the Board of Education**

As the elected officials in charge of our schools, the Board of Education will:

- Adopt the policies governing the District, including this “Code of Conduct”;
- Ensure that the “Code of Conduct” contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensure that the “Code of Conduct” is clearly communicated to students, parents/guardians, staff and the school community;
- Annually review the “Code of Conduct” and adopt revisions to the Code as needed;
- Adopt policies, procedures and guidelines with respect to the development of school employee training programs to promote a positive school environment that is free from harassment, bullying and/or discrimination and to discourage and respond to incidents of harassment, bullying and/or discrimination on school property or at a school function and/or off school property as set forth in the District’s Dignity Act policy and in applicable law.

## **Preventing and Addressing Harassment, Bullying and Discrimination against Students, Policy 7554**

### **The Dignity Act**

The Dignity Act prohibits the harassment, bullying, cyberbullying and discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender. The Act emphasizes the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the school community, including but not limited to superintendents, school board members, parents/guardians, students, teachers, school counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in its implementation.

### **The Dignity Act Coordinator**

One staff member in each school of the district will be designated as the Dignity Act Coordinator (DAC) to be, among other things, thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender (including gender identify or expression).

**The following are the names and contact information for the Dignity Act Coordinators:**

**Mrs. Sheri Parucki,**  
**Director of Student Services, District Dignity Act Coordinator**  
33 Schoolhouse Road  
Jeffersonville, NY 12748  
(845) 482-4610 ext. 3009 Fax: (845) 482-4620

**Mr. Rod McLaughlin**  
**Elementary School Principal, Elementary School Dignity Act Coordinator**  
33 Schoolhouse Road  
Jeffersonville, NY 12748  
(845) 482-4610 ext. 3009 Fax: (845) 482-4620

**Mr. Mark Plescia**  
**High School Principal, High School Dignity Act Coordinator**  
6604 State Route 52  
Lake Huntington, NY 12752  
(845) 932-8401 ext. 1101 Fax: (845) 932-8425

**Mr. Scott Haberli**  
**Middle School Principal, Middle School Dignity Act Coordinator**  
6604 State Route 52  
Lake Huntington, NY 12752  
(845) 932-8401 ext. 1100 Fax: (845) 932-8425

### **Responsibilities of the Dignity Act Coordinator**

Dignity Act Coordinators will be accessible to students and staff members for consultation and advice regarding the expectations of Dignity for All Students Act and will be responsible for:

- Leading or supervising a thorough investigation of all reports of harassment, bullying and discrimination, in accordance with the Dignity Act, this Code and other applicable district policies; Take or cause prompt actions to be taken that are reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile school environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying and/or discrimination was directed in accordance with the Dignity Act, this Code and district policies; and Promptly notify the appropriate local law enforcement agency when the DAC believes that any harassment, bullying and/or discrimination constitutes criminal conduct.
- Reviews incident report forms regularly, at least once per semester, and provides summary data for the semester to the school leader.

### **Reporting Known and/or Suspected Harassment, Bullying and Discrimination**

#### **Students**

Any student who believes that he or she is being subjected to harassment, bullying or discrimination or who witnesses harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment bullying or discrimination, verbally or in writing, to any school employee or to the designated DAC for the student's school building.

#### **School and District Employees**

School employees at all levels are responsible for reporting harassment, bullying and discrimination of which they are aware.

- Any employee who is assigned to and regularly works within a particular school building who witnesses harassment, bullying or discrimination or who receives a verbal or written report of harassment, bullying or discrimination shall promptly notify the designated DAC for his or her school building verbally within one school day.
  - Within two school days after making the oral report, the employee shall promptly file a written report with the designated DAC.

- All other school employees who witness harassment or discrimination or receive an oral or written report of harassment discrimination shall promptly, verbally notify either their immediate supervisor, who in turn shall notify the designated DAC for the supervisor's school building (if applicable), or shall promptly notify the Superintendent of Schools and/or the District DAC, the Director of Student Services.
  - Within two school days of making the oral report, the employee shall file a written report with the same person to whom the oral report was made.

### **Investigating and Responding to Complaints of Harassment, Bullying and Discrimination**

The DAC to whom a report is made, or the Superintendent (if the report is made directly to the Superintendent by school employees who are not assigned to a particular school building) shall promptly investigate or cause an investigation to be made into the complaint, regardless of whether the complaint is made verbally or in writing. The Superintendent of Schools will also be informed of the outcome of the investigation.

### **Notification to Parents/Guardians**

The parents/guardians of the student who is alleged to be the target of the alleged harassment, bullying or discrimination shall be notified immediately of the fact that a complaint has been made and that an investigation is being conducted. If the complaint alleges that other students engaged in acts of harassment, bullying or discrimination, the parents/guardians of those students shall also be notified.

All complaints will be handled confidentially, except for disclosure necessary to thoroughly investigate and resolve the complaint. The parents/guardians of the student who is alleged to be the target of the alleged harassment, bullying or discrimination, and the parents/guardians of any accused students, will be informed of the outcome of the investigation.

### **Investigation Determination**

When an investigation verifies that the alleged harassment, bullying or discrimination occurred, the Dignity Act Coordinator or Superintendent (as applicable) shall take prompt action, or cause prompt action to be taken, that is reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile school environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with District guidelines developed in accordance with this Policy.

In addition, whenever a Dignity Act Coordinator or the Superintendent (as applicable) believes that any harassment, bullying or discrimination constitutes criminal conduct, he or she shall promptly notify the appropriate local law enforcement agency.



### **Procedural Appeals of Dignity Act Investigations**

If any students or parents/guardians are not satisfied with any procedural aspect of the District's investigation of a complaint, they may appeal such procedural issues to the Board of Education. The appeal must identify the specific action being appealed, explain the basis of the appeal, and must be delivered to the Superintendent of Schools within ten (10) days of the date the student or parent/guardian is informed of the outcome of the investigation.

### **Retaliation Strictly Prohibited/ Immunity from Liability**

The Board prohibits retaliatory behavior directed at any such person having reasonable cause to suspect that a student/guardian has been subjected to harassment, bullying or discrimination by an employee or student on school property or at a school function (or off school property, as set forth in this Policy), who acting reasonably and in good faith, either:

- 1) reports such harassment, bullying or discrimination to school officials, the Commissioner of Education, or law enforcement authorities; and/or
- 2) acts in compliance with applicable law; and/or
- 3) initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination.

In addition, all such persons shall have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that the harassment, bullying or discrimination has not continued or resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity, and equality. The Board recognizes that harassment, bullying and discrimination are detrimental to student learning and achievement. These behaviors interfere with the mission of the District. Such behaviors not only affect the students who are its targets but also affect those individuals who are participants or who witness such acts. To this end, the Board condemns and strictly prohibits harassment, bullying and discrimination.

Nothing in this Code shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Section 3201-a or Section of the New York Education Law and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.). Nor shall anything in this Code be construed to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

## Code violations and disciplinary infractions, with possible penalty references

The District imposes disciplinary consequences upon students who engage in conduct on school property or at a school function that: 1) is disorderly and/or disruptive; 2) is insubordinate; 3) is violent; and/or 4) endangers the safety, morals, health or welfare of others. This includes but is not limited to discipline for the following specific types of misconduct (Note: Potential disciplinary measures for each type of misconduct are cross-referenced by number in the parenthesis that follow each example):

### Incident Consequence

	1	2	3	4	5	6	7	8	9	10	11
<b>Endangering the Health Safety and Welfare of Self and/or Others: Anything that intentionally or unintentionally could cause harm to others</b>	X	X	X	X	X	X	X			X	
<b>Insubordination: Failure to follow a staff directive</b>	X	X	X	X	X	X	X				
<b>Disrespect towards another</b>	X	X	X	X							
<b>Truancy: Cutting Class, Late to Class, Late to School</b>		X	X	X							
<b>Disruption of Educational Setting</b>	X	X	X	X	X	X	X			X	
<b>Fighting</b>	X	X	X	X	X	X	X			X	
<b>Theft</b>	X	X	X	X	X	X					X
<b>Abusive/Obscene Language</b>	X	X	X	X	X	X					
<b>Bullying/Harassment to include Cyberbullying</b>		X	X	X	X	X	X				
<b>Weapon: Possession of, or what appears to be a weapon</b>					X	X	X	X		X	
<b>Destruction of School Property</b>		X	X	X	X	X	X			X	X
<b>Alcohol, Tobacco and/or Drugs: Possession and/or use of/or sale of alcohol, tobacco and/or drugs and/or related paraphernalia (including but not limited to vaping products )</b>				X	X	X	X		X	X	
<b>Violation of the Acceptable Use Policy</b>	X	X	X	X	X	X	X			X	X

The following disciplinary measures may be imposed as consequences in the violation of the Student Code of Conduct. The consequence chosen will be based on the severity of the infraction, not in the order in which they are listed.

1. Warnings (oral or written);
2. Written notification of student's misbehavior to the parent/guardian;
3. Parent/Guardian Conference;
4. Detention (Lunch; After-school; Recess- in accordance with the District Health and Wellness policy)
5. In-school suspension; Administrator will call home when assigned.
6. Suspension from school for up to five (5) school days; (refer to page 22)

7. Suspension from school in excess of (5) school days to be determined at a Superintendent's Hearing; (refer to page 23)
8. Suspension from school for at least one (1) year for possession of weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days; (refer to page 25 for section titles Discipline of Students with Disabilities)
9. Placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability; (refer to page 25 for section on Discipline of Students with Disabilities)
10. Permanent suspension. (Expulsion);
11. Financial restitution.

Each incident is a unique situation and the consequences will be adjusted accordingly. Progressive discipline is practiced, however, restorative practices will be utilized to help repair relational damages. This will occur in the form of mediations, counseling, and et.al.

#### **Additional Options for Disciplinary Infractions:**

1. Peer support groups or other relevant learning or service experiences;
2. Supportive interventions; such as referrals for school counseling and/or basic behavior contracts;
3. Behavioral assessment or evaluations;
4. Behavioral management plans with benchmarks that are closely monitored.

#### **Parent/Guardian Communication**

When a student is issued a referral the parent/guardian will be contacted by the school. When a student receives a consequence of In-School Suspension or greater, the parent will be contacted by an administrator.

#### **Additional Items**

#### **Dress and Grooming, Policy 7312**

All Students are expected to dress appropriately for school and school functions. Students and their parents/guardians 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 students' dress shall be appropriate and not disruptive to the educational process. Clothing containing or representing references to firearms, drugs, violence, gang affiliation, sexual content,

or alcohol are strictly forbidden. Hats, hoods and sunglasses are not permitted to be worn inside the building during the instructional school day, unless it is a religious head covering or a medical necessity dictated by doctor's orders. Administration reserves the right to rule on new fashion trends.

Each building principal or his or her designee shall be responsible for informing all students and their parents/guardians 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 for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

### **Backpacks**

Backpacks should be used to transport school materials to and from school. They should be stored in student lockers during the school day. Change purses/bags are permitted in classrooms. Students have access to lockers throughout the school day and can retrieve classroom materials whenever necessary in accordance with school rules. Backpacks and oversized purses that are brought by students into classrooms create safety issues by blocking escape routes, hindering the swift evacuation from the building during unforeseen emergency evacuations.

### **Electronic Devices Policy 6415, 7318, 7318R**

The expectation for educational purposes in classrooms is that students must use their School District issued laptop/device. Unacceptable uses of the School District's computer resources may result in the suspension or cancelation of computer privileges, as well as disciplinary, monetary, and/or legal consequences. All users of the School District's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the School District's computer network must not expect, nor does the School District guarantee, privacy for electronic mail (e-mail) or any use of the School District's computer network. The School District reserves the right to access and view any material stored on School District equipment or any material used in conjunction with the School District's computer network.

### **Elementary School:**

School issued devices are used for instruction in the classroom. Personal cell phones, electronic games or other such similar devices and accessories are to be off and away during the school day. Students may use these devices only with permission of the building principal. Any questions regarding the appropriate use of an electronic device not specifically addressed will be decided by the Building Principal.

Students who violate the terms and conditions of the appropriate use of technology will be subject to the following:

- First Offense: The device is confiscated by the teacher and delivered to the main office. A referral will serve as written notice to the parent/guardian, the student can retrieve it at the end of the school day.
- Second Offense: The device is confiscated by the teacher and delivered to the main office. A referral will serve as written notice to the parent/guardian, who will be expected to pick up the device at the end of the day.

Appropriate progressive discipline measures will be implemented upon other offenses.

## **Middle-High School**

School issued devices are used for instruction in the classroom. The following specifications apply to students that bring personal devices to the Middle-High School:

### **RED ZONES**

No personal devices are to be used in the classroom or during an instructional period regardless of the location, unless with teacher permission during a study hall period.

No personal devices are to be used in the bathrooms or locker rooms.

### **YELLOW ZONES**

With permission, personal devices may be used in offices and the library.

### **GREEN ZONES**

Personal Devices may be used during lunch periods, outside and in the cafeteria, and in the hallways.

Any questions regarding the appropriate use of an electronic device not specifically addressed will be decided by the Building Principal.

Students who violate the terms and conditions of the appropriate use of technology will be subject to the following:

- First Offense: Student receives a verbal warning. A referral will serve as written notice to the parent/guardian. The teacher will confiscate the device and the student can retrieve it at the end of the school day.
- Second Offense: The device is confiscated by the teacher and delivered to the main office. A referral will serve as written notice to the parent/guardian, the student can retrieve it at the end of the school day.
- Third Offense: The device is confiscated by the teacher and delivered to the main office. A referral will serve as written notice to the parent/guardian, who will be expected to pick up the device at the end of the day.

Appropriate progressive discipline measures will be implemented upon other offenses.

### **Teacher Disciplinary Removals of Disruptive Students from the Classroom**

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 manage 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"<sup>1</sup> in a classroom or in an administrator's office<sup>2</sup>; (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 school counselor or other appropriate district staff member for building level counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

### **Student Suspension Process**

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school for violations of this Code for up to five school days, commonly known as a "short-term suspension", so long as the school district provides the parent/guardian and student with notice of the charged misconduct and an opportunity for an informal conference with the principal before a final decision is made regarding the proposed suspension, or for more than five school days, commonly known as a "long-term suspension", only after a fair hearing before the Superintendent of Schools or their designee, upon reasonable notice.

#### **Pre-Suspension Process**

Prior to being suspended from school, the student shall be addressed by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such engagement shall occur following suspension, as soon thereafter as is reasonably practicable. In all other cases, there shall be no suspension until after the informal Principal's conference, unless the rights described below are waived by the student's parent or guardian.

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<sup>1</sup> "Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The State does not regulate the use of time out but does regulate the use of a separate room where a student may be removed for purposes of "time out." State regulations define a time out room as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to their education program. If a student needs to go to a supervised area to safely deescalate, regain control and prepare to meet expectations to return to his or her education program, this would be considered the use of a time out room, even if the student voluntarily chooses to go to such area. The use of time out rooms must be documented, and parents must receive same day notice of the use of the time out room by phone or letter.

<sup>2</sup> The time out room must provide a means for continuous staff visual and auditory monitoring of the student and be of adequate width, length and height to allow the student to move about and recline comfortably with wall and floor coverings designed to prevent injury to the student; there must be adequate lighting and ventilation; the temperature of the room must be within the normal comfort range and consistent with the rest of the building; the room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all local fire and safety codes; the room must be unlocked, and the door must be able to be opened from the inside.

## **Short-Term Suspension Process**

Prior to a proposed suspension from school for between one and five school days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent/guardian shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall be in the dominant language or mode of communication used by the parent/guardian and include a description of the incident for which the suspension is proposed and shall inform the parent/guardian of their right to request an immediate informal conference with the Principal at which the student and/or their parent/guardian(s) may present the student's version of the event and ask questions of complaining witnesses who must have firsthand knowledge of the incident. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, at which time the complaining witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian. The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older.

If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. Any appeal of a Principal's suspension brought by the parent/guardian or student over the age of 18 must be presented to the Board of Education within 30 days and is a prerequisite to filing any further appeal.

## **The Long-Term Suspension Process: Suspension for More than Five Days<sup>3</sup>**

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent/guardian, a long-term suspension may be imposed only after the Superintendent of Schools or the Board of Education has conducted a fair hearing with reasonable notice. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, and Section 3214 of the New York State Education Law as well as penalty recommendation pursuant to the penalty parameters described herein.

## **Hearing Procedures – Notice of Hearing**

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent/guardian, who shall be given reasonable notice of the time and place of the hearing, as well as the approximate date and nature of the charge(s) and the facts, sufficiently stated so that a proper defense (if applicable) may be placed upon the record on behalf of the student, and should explain the student's due process rights. In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the

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<sup>3</sup> The Individuals with Disabilities Education Act gives extra protections to students with disabilities or students presumed to have a disability for discipline purposes who are subject to a suspension or removal from the classroom, school, or other learning environment in excess of an aggregate of 10 school days in the same school year.

student, as well as to the student's parent/guardian(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years. All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right: to subpoena witnesses or otherwise present witnesses in their defense, to cross examine witnesses called by the District, to refuse to testify pursuant to the 5th Amendment privilege against self-incrimination, (but only to the extent that the student is in criminal jeopardy in a pending criminal proceeding regarding the same alleged misconduct that is the subject of the student disciplinary proceeding), to testify on his/her own behalf but subject to cross examination. The time, date and location of the hearing shall also be prominently set forth in the notice.

### **The Long-Term Suspension Hearing**

The hearing shall be conducted by the Superintendent or a designated Hearing Officer or the hearing shall be conducted by the Board or its designated Hearing Officer if the suspension originated by Board action. At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- that if the student does testify, he/she shall be subject to cross-examination;
- that the District has the burden of proving the charges by competent and substantial evidence;
- that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and the person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

### **The Hearing Officer shall inform the parties:**

- that the case will proceed by having the District present its evidence through witnesses and other evidence first;
- that the District's witnesses shall be subject to cross-examination by the student's representative; and
- that the student will then have the opportunity to present witnesses on their behalf, subject to cross-examination by the District's representative.

### **Following the conclusion of the testimony and the introduction of other evidence matters:**

- The parties shall be afforded the opportunity to present brief oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.
- The Hearing Officer shall then reach findings of fact upon the charges.
- In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome.
- The parent/guardian and/or the student, in an appropriate case, shall then (if not sooner) be provided a copy of the student's past disciplinary anecdotal record and given the opportunity at that time to review this record before moving forward with the penalty



phase. Such record may be considered by the Hearing Officer in determining an appropriate penalty.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing. The Superintendent or Board, whichever designated the Hearing Officer, shall review the findings of fact and penalty recommended by the designated Hearing Officer, and shall adopt in whole or in part, the Hearing Officer's finding of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

### **Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction of District rules and/or policies, including but not limited to the infractions listed herein, following the opportunity for an informal conference by the student and his or her parent/guardians with the Superintendent of Schools or his/her designee.

### **Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions, Policy 7910**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of District rules and/or policies, including but not limited to any of the provisions herein, and/or for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal or other school personnel authorized to suspend students from participation in such activities shall first allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which serves as the basis for the proposed suspension from the activity. If a student is suspended from school pursuant to §3214 of the Education Law, he/she shall not be permitted to participate in any extra-curricular or co-curricular activities, or any other school events or activities which take place on the days of suspension (including intervening weekends).

### **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 their 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 education services under the IDEA and [Article 89 of New York 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.

#### **A. Authority of School Personnel to Suspend or Remove Students with Disabilities**

In accordance with the procedural protections applicable to the discipline of students with disabilities:

The Board, the District (BOCES) Superintendent of Schools, or a Building Principal with the 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 and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The Superintendent of Schools may, directly, or upon 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 of Schools 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 Committee on Special Education (CSE), 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 for the same amount of time that a student without a disability would be subject to discipline.

If the CSE determines that the student's behavior was a manifestation of the student's disability, 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 setting to be determined by the CSE for a period of up to 45 school days if the student either:

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

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

School personnel may not suspend or remove from class 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 or the infliction of serious bodily injury as set forth above.

## **C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.

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 will 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 their disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they 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.

## **D. Parental Notification of a Disciplinary Change of Placement**

The district will provide the parents/guardians 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.

## **E. 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 (a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent/guardian, and relevant members of the Committee on Special Education (CSE) as determined by the parent/guardian and the district) immediately, if possible, but in no case later than 10 school days after a decision is made by:

The Superintendent to change the placement of a student to an IAES:

- An impartial hearing officer to place a student in an IAES; or
- The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.
- The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:
  - Caused by or had a direct or substantial relationship to the student's disability, or
  - 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/guardians.
- If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:
  - 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.
  - Return the student to the placement from which they were 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/guardians 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.

#### **F. 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 be provided with alternative instruction and 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.

The District will also provide, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

#### **G. Students Presumed to Have a Disability for Discipline Purposes**

The parent/guardian of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors 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.

The district will be deemed to have had such knowledge if:

- The student's parent/guardian 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/guardian does not know how to write or has a disability that prevents a written statement; or
- The student's parent/guardian has requested an evaluation of the student; or
- 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:
  - The student's parent/guardian has not allowed an evaluation of the student; or
  - The student's parent/guardian has refused services; or
  - The District conducted an evaluation of the student and determined that the student is not a student with a disability.
- 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 will remain in the educational placement determined by the district which can include suspension.

## **H. Dangerous Students**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is "dangerous" and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with [8 NYCRR §201.8](#) and [201.11](#), even if the CSE determines that the misconduct is related to the student's disability. The IAES placement shall be based upon the CSE's recommendation.

## **I. Declassified Students**

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

## **J. Expedited Due Process Hearings**

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

- 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 their current educational placement;
- The District during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings;
- The student's parent/guardian regarding determination that the student's behavior was not a manifestation of the student's disability; or
- The student's parent/guardian 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/guardian and the district agree otherwise.

## **K. 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).

## **Persons In Need Of Supervision (PINS) Petitions**

Where a student with a disability is not attending school or is ungovernable/incorrigible, the Department of Probation requires that the District conduct a manifestation determination review to determine whether the student's behavior is intentional and ongoing and not related to the student's disability before referring the matter for petition (9 NYCRR Part 357).

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

Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

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.

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.)

## **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 be reasonably used, reasonable physical force may be used to:

- Protect oneself, another student, teacher or any person from physical injury.
- Protect the property of the school or others.
- 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 act.

## **Student Searches and Interrogations, Policy 7330**

The Board 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/guardian(s) before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes school officials (the Superintendent, building administrators and school nurses) and persons authorized by these school 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, the District Code of Conduct or other school rules. An authorized school official may conduct a search of a student's belongings, including but not limited to book bags, vehicles parked on school property, etc., as long as the school official has a reasonable suspicion for the search.

Ordinarily, there must be reasonable suspicion to believe that the search of a particular student will turn up evidence that the particular student is violating the law or school rules. However, “individualized” suspicion is not required in every case before school officials can search students and/or their possessions. The need to search a student or student’s possessions is determined by balancing the District’s legitimate justification to conduct the search against the student’s or students’ *expectation of privacy* in the area to be searched. Every search must be:

**“Justified at its Inception”** – meaning that there must be reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school; **and**

**“Permissible in Scope”** – meaning that the search measures used must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched with two staff members present and a call home immediately.



## **Student Lockers, Desks and Other School Storage Places**

Students have no reasonable expectation of privacy with respect to the above locations; 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.

## **Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than a jacket or other similar “outer” clothing. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have reasonable suspicion to believe the student is concealing evidence in intimate places of a violation of law or the District Code of Conduct or school rules that poses an immediate or imminent risk of danger in terms of its power or quantity. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent/guardian by telephone before conducting a strip search or in writing by certified mail after the fact if the parent/guardian could not be reached by telephone.

## **Documentation of Searches**

The building administrator shall be responsible for promptly recording the following information about each search:

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

The building administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous item(s) taken from a student. The building administrator shall retain control of the item(s), unless the items are turned over to the police. The building administrator shall be responsible for personally delivering dangerous or illegal item(s) to police authorities.

### **Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- a search or an arrest warrant.
- probable cause to believe a crime has been committed on school property or at a school function, or
- been invited by school officials in connection with a crime that is believed to have been committed on school property.

### **Visitors to the Schools**

The Board encourages parents/guardians 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 administrator is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must enter through the front secured entranceway, sign in to the visitors' register, and present appropriate identification to security staff. A visitor's identification badge will be issued and must be worn at all times while in the school or on school grounds. Visitors reporting to building destinations other than school offices will be escorted by school personnel. Upon leaving the building, visitors need to sign out in the visitors' register and return the identification badge.
- Visitors attending after-school, evening, or weekend school functions that are open to the public, such as concerts or public gatherings, are not required to register.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the building administrator. 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.
- Nothing in this Article or this Code shall be deemed to give parents/guardians or other

visitors to the District's school a legal right to visit classrooms during instructional time.

### **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.

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.

### **Prohibited Conduct**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Damage or remove District property.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass, or discriminate against any person based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this Code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, tobacco products, or be under the influence of such substances on school property or at a school function.
- Possess or use firearms or other weapons including but not limited to air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray while 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 District.
- Loiter on or about school property.
- Gamble on school property or at school functions, except as authorized by law and in accordance with District policy (e.g. authorized raffles and/or games of chance conducted by charitable organizations during non-school hours).
- Refuse to comply with any lawful order of identifiable District officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## **Penalties**

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

1. Visitors' authorization, if any, to enter or 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 comply, they shall be subject to ejection and arrest.
2. Students shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this Code, in accordance with the due process of law requirements.
3. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a, or any other legal rights that they may have.
4. Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law section 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **Enforcement**

The building administrator or designee shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other authorized District staff to take action consistent with the Code.

When the Superintendent or his/her designee observes or is informed of an individual engaging in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and direct the individual to stop. The school official 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 designated school official 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.

## **Dissemination and Review of the Code of Conduct**

### **Dissemination of the Code of Conduct**

The Board of Education shall ensure community awareness of its Code of Conduct by:

Posting the complete Code of Conduct on the Internet website, if any, including any annual updates and other amendments to the Code;

Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;

Mailing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

Providing each teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code, and providing new teachers with a complete copy of the current Code upon their employment; and

Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

The District will provide in-service education for District staff members to ensure effective implementation of the Code.

District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

### **Review of the Code of Conduct**

The District's Code of Conduct shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.