

### ***Mission Statement***

The responsibility of the Cattaraugus-Little Valley Central School District is to educate all students in a caring and cooperative community. At CLVCS, we embrace the responsibility to educate all students in a collaborative, creative, and competitive culture. We expect our students to excel in all endeavors while we simultaneously nurture their social and emotional development. We will empower our graduates with tools, skills, and knowledge for future success.

### ***I. Introduction***

The Cattaraugus-Little Valley Central School Board of Education (“board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents, and other visitors is essential to achieving this goal. The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The district recognizes the need to clearly define the long-standing set of expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the board adopts this Code of Conduct (“code”). Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

### ***Phone Directory***

#### **SUPERINTENDENT OF SCHOOLS**

Mr. David Foster.....716-257-5293  
[dfoster@clvschools.org](mailto:dfoster@clvschools.org)

#### ***Central Services:***

##### **Business Executive**

Mrs. Sally Hadley.....716-257-5296  
[shadley@clvschools.org](mailto:shadley@clvschools.org)

##### **Director of Facilities**

Mr. Wayne McGuire.....257-3483 ext.5283  
[wmcguire@clvschools.org](mailto:wmcguire@clvschools.org)

##### **Transportation Supervisor**

Mr. Daniel Lemk.....257-5090  
[dlemk@clvschools.org](mailto:dlemk@clvschools.org)

##### **Cafeteria Manager**

Mrs. Lori Kapuscinski.....257-3483 ext. 5950  
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#### **Director of Special Education**

Mrs. Alichia Hoag.....257-3483 ext.5543  
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#### **Family Support Coordinator**

Ms. Stacey Lindner.....257-5536  
[slindner@clvschools.org](mailto:slindner@clvschools.org)

#### **Information Systems Administrator**

Mr. Robert Miller.....257-3483 ext.5029  
[rmiller@clvschools.org](mailto:rmiller@clvschools.org)

**Cattaraugus-Little Valley CSD  
Code of Conduct**

**Constructing foundations of Pride . . .  
Living into Wellness . . .  
Striving for Excellence . . .**

***Cattaraugus Elementary:***

**Elementary Principal**

Mrs. Molly Wallschlaeger....257-3436 ext.5855  
[mwallschlaeger@clvschools.org](mailto:mwallschlaeger@clvschools.org)

**School Nurse**

Mrs. Amy Sykes.....257-3436 ext.5858  
[asykes@clvschools.org](mailto:asykes@clvschools.org)

**Elementary School Counselor (PK-4)**

Ms. Amanda Shaw.....257-3436 ext.5517  
[ashaw@clvschools.org](mailto:ashaw@clvschools.org)

***Middle School/High School:***

**Middle School Principal**

Mrs. April Preston.....257-3483 ext.5282  
[apreston@clvschools.org](mailto:apreston@clvschools.org)

**High School Principal**

Mrs. Kristina Maines.....257-3483 ext.5515  
[tmaines@clvschools.org](mailto:tmaines@clvschools.org)

**School Nurse**

TBD.....716-257-3483 ext. 5022  
[@clvschools.org](mailto:@clvschools.org)

**School Counselor (Grades 7-10)**

Mr. Jeff Goodridge.....257-3483 ext. 5324  
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**School Counselor (Grades 11-12)**

Ms. Jennifer Smith.....257-3483 ext. 5058  
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**5-6/IEP School Counselor**

Mrs. Sheryl Williams.....257-3483 ext.5665  
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## *Common Terminology*

### Definitions

For purposes of this code, the following definitions apply:

- ***“Disruptive student”*** means an elementary, middle school, or high school student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- ***“Off-campus conduct”*** means conduct off school property where such conduct could foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation and/or abuse might reach school property.
- ***“Parent”*** means parent, guardian or person in parental relation to a student.
- ***“Principal”*** means an administrative figure – elementary, middle school principal, and/or high school principal.
- ***“School property”*** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- ***“School function”*** means any school-sponsored extra-curricular event or activity.
- ***“Violent Student”*** means a student under the age of 21 whom:
  1. Commits an act of violence upon a school employee or attempts to do so.
  2. Commits, while on school property or at a school function, an act of violence upon another student, or any other person lawfully on school property or at the school function, or attempts to do so.
  3. Possesses, while on school property or at a school function, a weapon.
  4. Displays, while on school property or at a school function, what appears to be a weapon.
  5. Threatens, while on school property or at a school function, to use a weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  7. Knowing and intentionally damages or destroys school district property.
- ***“Weapon”*** means a firearm as defined in 18 USC SS921 for the purpose of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray, or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause injury or death.

## ***II. For Students***

### ***A. Student Bill of Rights and Responsibilities***

**With every right comes a responsibility.**

*It is the student's right:*

- 1) To attend school in the district in which one's parent or legal guardian resides. →
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. →
- 3) To be respected as an individual. →
- 4) To express one's opinions verbally or in writing. →
- 5) To dress in such a way as to express one's personality. →
- 6) To be afforded equal and appropriate educational opportunities. →
- 7) To take part in all school activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender identity or expression, sexual orientation, or disability. →
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. →

*It is the student's responsibility:*

To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.

To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.

To respect one another, and to treat others in the manner that one would want to be treated.

To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.

To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.

To be aware of available educational programs in order to use and develop one's capabilities to their maximum.

To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.

To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.

- 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. → To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

### ***B. Student Dress Code***

The BOE has established a student Dress Code Policy that promotes a positive atmosphere for learning to take place. These guidelines are developed in accordance to NYSED regulations. Student dress will reflect safety, health and decency issues with respect to community values. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and other district personnel should reinforce acceptable student dress and help students develop an understanding for appropriate appearance in the school setting.

#### **A student's dress, grooming and appearance shall:**

Be safe, appropriate, and not disrupt or interfere with the educational process. The following are the general guidelines for student attire. Please keep in mind that additional requirements may be necessary for special classes such as PE, Science, and BOCES programming.

- a. Extremely brief garments such as tube tops, net tops, halter tops, plunging necklines (front and back), spaghetti straps, muscle shirts for all students, and see through garments are not appropriate as school attire.
- b. Skirts and skorts, **must measure 5 inches or less** from the top of the kneecap when in a standing position.
- c. Shorts must have a **3-inch inseam or longer**.
- d. Other than for Physical Education class or athletic events, shorts should adhere to the above.
- e. All shirts must meet the waistband of the student's pants when his/her arms are at rest at their side. It is a student's responsibility to ensure that no midriff is showing at all times.
- f. Shirts should not have a neckline that falls more than 4 inches from the clavicle, or base of the neck. Cleavage should not be visible.
- g. Pants must be above the hip and cover all underwear.
- h. Proper footwear is to be worn at all times. Footwear that poses a safety hazard is not allowed. Socks worn without shoes, bare feet and/or slippers are unacceptable.

- i. High School students may wear hats as long as they do not disrupt the learning environment, do not cover their eyes, and do not cover their face. Hoods are not permitted, and any dress code violations related to hats will be addressed as they arise, consistent with other dress code policies. All other students are not allowed to wear headgear (hats, bandanas, skullcaps) in school except for medical reasons as documented by the student's physician. Hats for students who are not high school age are to remain in the lockers until the end of the school day.
- j. Blankets are not to be worn or carried around during the school day, 7:55 a.m.-2:55 p.m.
- k. Students may not wear clothing that violates the District drug/alcohol/tobacco policy or contains vulgar, obscene or offensive language/acronyms. Pictures or language that are offensive with respect to race, color, religion, national origin, sex, sexual orientation, gender identity or expression, disability, military status, age, marital status, smoking, drugs, alcohol or sexual and/or violent images/connotations are strictly prohibited. Hoods and/or hoodies should be off and down until the end of the school day.
- l. Items that may be used as a weapon, such as chains, spiked bracelets and/or necklaces, and wallet chains, are prohibited.

#### **What does this mean at CLV HS/MS?**

Both the CLV High School and Middle School prohibit unsafe, immodest, or revealing clothing. Students are responsible to have read and applied the dress code policy as they prepare for school each day. Clothing that has been modified in a revealing manner is not appropriate.

If you are wearing something that is deemed inappropriate because it is distracting others, you will be asked to change your clothes. Attention at CLV is on learning, not your clothing.

Additionally, students are required to follow the dress code anytime they are on school grounds. Therefore, you are required to be dress-code-compliant at concerts, sports presentations, sporting events, and other school-sponsored events.

#### ***Infraction Procedure:***

Students that may be in violation of dress code will be referred to an administrator. Should the student be deemed in violation of the dress code policy, the appropriate consequence will be administered, and the student will be sent back to class provided that the infraction is covered up or removed. Should the student not have a suitable change of clothes, the student will be given a choice of calling home for a change of clothes, and if the parent/guardian is not able to furnish a change of clothing in a reasonable amount of time, the student will be offered a District issued article of clothing. Should the student not comply with the above, the student and parent will be notified and the student may be sent home or placed on in-school suspension until the matter is resolved. The student will not be allowed to attend class inappropriately dressed.

### ***C. Student Use of Electronic Communication Devices***

Students are prohibited from using or having on or in an operational mode any paging device, cellular telephone, laser pointer or pen, texting device, or any other type of telecommunications or imaging device except as expressly permitted in connection with authorized use (during lunch periods and/or instruction time with teacher permission). While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers, or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This includes, but is not limited to, videotaping, and taking pictures of anyone without their knowledge. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

#### **What does this mean at CLV HS/MS?**

Students are allowed to possess a cell phone while on school premises. However, cell phones should be turned off and their use will not be allowed during school hours (7:55AM – 2:55PM) with the exception during lunch periods and as authorized by the classroom teacher. Inappropriate use of cell phones is defined as the following between 7:55AM-2:55PM.

- All forms of use in hallways, at lockers, or in any school area including the gymnasium, auditorium and bathrooms. These include but are not limited to: Texting, Talking, Searching, Taking Pictures, Videotaping, Using Calculator, Checking Calendar/Time, Gaming, Any use of media/tools/apps.

The following uses of the cell phone will always be considered inappropriate. In addition to the sequence of discipline actions outlined below, any student engaging in the following uses of the cell phone (or any other electronic device) will be subject to additional disciplinary action.

- Any use of the cell phone related to the following:
  - o Sexting (taking and/or sending/receiving sexually explicit material – picture or text)
  - o Cyberbullying (use of any technology device to bully students and/or adults)
  - o Harassment (use of technology to continually communicate unwanted information to individuals).
  - o Videotaping a physical or verbal altercation.

When a student is found in violation of the cell phone use policy, the following procedures will be enacted:

1st Offense: The cell phone will be collected and held in the main office until dismissal. Students may pick it up at the end of the day after they have had a discussion with the building principal at which time the student will be reminded of the cell phone policy and procedures.

2nd Offense: The cell phone will be collected and held in the main office and a parent/guardian conference with the building principal and student will take place in order to retrieve the cell phone. This may occur face-to-face or via a telephone conference.

3rd Offense: The cell phone will be confiscated and only retrieved by a parent/guardian.

4th Offense: The student has lost cell phone privileges for the year and may not bring a cell phone to school. A possible suspension may occur as a result of the fourth offense. Should a student insist on bringing a cell phone to school after the fourth offense, further disciplinary action will be taken which may result in a Superintendent's Hearing and additional suspension from school.

***D. Extracurricular Activities Policy***

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

**Limited Open Forum**

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Non-school persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

**Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one-half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8 a.m. until 11:30 a.m. or from 11:30 a.m. until the end of the school day.



### Academic Ineligibility

The successful completion of high school and receiving a high school diploma depends on the small, incremental steps along the way. Successful academic performance on a daily, weekly, and monthly basis all add up to the one moment the last week of June where students are handed NYS Regents Diplomas. It is the goal of every teacher and educator in this District to provide each student with an opportunity to walk off the stage diploma in hand.

It is for that reason the District supports and upholds Academic Ineligibility as follows:

#### Academic Expectations: June - September

Students who are failing two (2) or more subjects at the end of the year will be ineligible to participate in extracurricular activities the following year (sports, drama club, ECOS, FFA, FCCLA, Chess Club, etc.) unless they successfully complete the following:

- a) Attend summer school and receive at least a 75% in the two (2) courses that were failed (or a score that when combined with the end of year score averages to be 65% or greater). Students are only allowed to take two (2) courses at summer school.
- b) Students must follow all summer school rules and expectations.
- c) Students must have received at least a 55% in the failed course during the academic year.
- d) **NOTE:** If students have failed more than three (3) courses at the end of the academic year, and meet the above requirements, they are still ineligible at the beginning of the new school year until five-week grades are posted.

#### Academic Expectations: September - June

- a) Any student failing two (2) or more subjects at the end of quarter 1, 2, or 3 will be ineligible for extracurricular activities for a period of two (2) weeks. At the end of two (2) school weeks, it is the responsibility of each student to have a grade verification report signed by each teacher of ALL courses in the student's schedule to determine the grade.
- b) Any student failing two (2) or more subjects at each 5 week grading period (progress report) will be ineligible for extracurricular activities for a period of up to two (2) weeks. It is the responsibility of each student to have a grade verification report signed by each teacher of ALL courses in the student's schedule to determine the grade.
- c) If a student is passing all courses within the 2-week mark, he/she is eligible to participate in extracurricular activities and his/her name will be removed from the ineligibility list.
- d) If the student is still failing two (2) or more courses at the 2-week mark, he/she is ineligible for the entire five-week period.
- e) If a student can demonstrate passing grades in ALL courses he/she is failing at the 3-week mark with at least a 75%, his/her participation in extracurricular activities will be considered by the Principal and his/her teachers.
- f) Any student failing one (1) subject in any of the above situations will still be able to participate in extracurricular activities but will be placed on academic probation. Remediation will be determined by administration.

### ***E. Student Searches and Interrogations***

The board of education is committed to ensuring an atmosphere in school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct.

Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. School officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, principal and school nurse (upon direction from the superintendent or principal) to conduct searches of students and their belongings if reasonable suspicion exists that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he/she possess physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

#### ***1. Student Lockers, Desks, and other Storage Places***

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

#### ***2. Strip Searches***

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. If an authorized school official believes that 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. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized 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 probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the district code. 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 by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

### ***3. Documentation of Searches***

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

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

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

### ***4. 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. A search or arrest warrant; or
- b. Probable cause to believe a crime has been committed on school property or at a school function; or
- c. Been invited by school officials.

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

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

- a. They must be informed of their legal rights.
- b. They may remain silent if they so desire.
- c. They may request the presence of an attorney.

#### ***5. Child Protective Services Investigations***

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

All requests by child protective services to interview a student on school property shall be made directly to the superintendent or designee. The superintendent or designee shall set the time and place of the interview. The superintendent or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending upon the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any clothing in order for the child protective services worker to verify the allegations, the school nurse or doctor must be present during that portion of the interview. No student may be required to remove clothing in front of a child protective services worker or school district official of the opposite sex.

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

### ***III. For Parents/Caregivers/Visitors***

#### ***A. Expectations for Parents/Caregivers/Visitors***

1. Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
2. Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
3. Insist their children be dressed and groomed in a manner consistent with the student dress code.
4. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
5. Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District *Code of Conduct*.
6. Convey to their children a supportive attitude towards education and the District.
7. Build good relationships with teachers, other parents and their children's friends.
8. Work with our schools to maintain open and respectful communication.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed
12. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious pract., disability, sexual orientation, gender identity or expression, sex, or military or marital status, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

#### ***B. Visitors to the School***

The board encourages parents and other district citizens to visit the school 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. You will need to press the call button on the gray intercom box next to the doors, answer the prompts, be “buzzed” in and sign in at the office you enter. The superintendent or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

1. Anyone not a regular staff member or student of the district will be considered a visitor.
2. All visitors to the school must report to the office upon arrival in the building. There they will be required to sign the visitor's register and will be given a visitor's tag, which must be worn at all times while in the school. The visitor must return the tag and sign out before leaving the building.
3. Visitors attending school functions that are open to the public are not required to sign in.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and building administrator(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the superintendent or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

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

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

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

## ***IV. Prohibited Conduct***

**No person, either alone or with others, shall:**

- Intentionally injure any person or threaten to do so:
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.
- 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, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass, or discriminate against any person based on race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender identity or expression, sexual orientation, disability, military status, age, or marital status.
- Enter any portion of the school premises without authorization or remain in the building 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, or be under the influence of either on school property or at a school function.
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identified school officials on duty.
- 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.

## ***V. Penalties***

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

***Visitors.*** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subjected to ejection.

***Students.*** They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

***Tenured faculty members.*** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

***Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.*** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

***Staff members other than those described in subdivisions 4 and 5.*** They shall be subject to warning, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

## ***VI. Enforcement***

The superintendent or designee shall be responsible for enforcing the conduct required by this code.

When the superintendent or designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the superintendent or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The superintendent or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the superintendent or designee shall have the individual removed immediately from school property or the school function. If necessary, 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 violation the code.

## ***VII. For Faculty/Staff/Essential Partners***

### ***A. Expectations for Teachers***

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students.
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### ***B. Expectations for School Counselors***

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriately document teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with the students their educational progress, career plans and graduation requirements.



4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

***C. Expectations for Student Support Service Personnel***

1. Support educational and academic goals.
2. Know school rules, abide by them, and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity, and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
7. Regularly review with students their educational progress and career plan.
8. Provide information to assist students with career planning.
9. Encourage students to benefit from the curriculum and extra-curricular programs.
10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

***D. Expectations for Other School Staff***

1. Follow the Code of Conduct; know, abide by, and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity, and other standards of ethical conduct.
3. Assist in promoting a safe, orderly, and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

***E. Expectations for Principals***

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, sexual orientation, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

***F. Expectations for the Superintendent***

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

3. Inform the School Board about educational trends, including student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address all areas of school-related safety concerns.

***G. Expectations for the Board of Education***

1. Collaborate with students, teachers, administrators and parent organizations, school safety personnel, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Approve and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender identity or expression, or sexual orientation, or disability. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.

***VIII. Dissemination of Code of Conduct***

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

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

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

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## ***Code of Pupil Discipline***

### ***IX. Reporting Violations***

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the principal, or superintendent. Any person observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, or the superintendent.

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

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

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

## ***X. Prohibited Student Conduct***

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

The best discipline is self-imposed, and the students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

The Board of Education recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. The following behaviors will not be tolerated on school district property or at school sponsored events.

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

- A. Engage in disorderly conduct. Disorderly conduct is defined as endangerment or harassment (i.e.: bullying, intimidation) of others or the willful disruption of the orderly conduct of classes, school programs and /or school activities. This would include defaming, vandalizing, disrespecting and/or destroying school or contracted property as well as property off-campus that is visited as a result of a field trip or school-sponsored event. Examples of disorderly conduct include:
  - 1. Running in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, lewd, vulgar, or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act, which disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in the building after normal school hours without permission of a teacher, principal, or superintendent.
  - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; use of Artificial Intelligence (AI) when not part of the lesson; or any other violation of the district's acceptable use policy.
  - 8. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, AirPods, headphones, speakers, cameras, and other personal electronic devices deemed

inappropriate by the administration).

9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
  10. Unauthorized possession or use of school access ID cards or school keys.
  11. Cafeteria Misconduct.
- B. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the reasonable directions of teachers, administrators, or other school personnel in charge of students.
  2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.
  3. Any additional disruptions to the learning environment.
- C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Unexcused lateness for class or school.
  3. Skipping class or detention.
  4. Leaving school without permission.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that may or may not cause a student to fear for his or her physical or mental well-being.
  4. Possessing a weapon or firearm. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

“Weapon” means the same as “dangerous weapon” under 18 U.S.C. SS 930 (g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is

used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length”.

A “firearm,” as defined in section 921 of Title 18 of the United States Code, includes:

- a. any weapon, including a starter gun, which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive
- b. the frame or receiver of any such weapon
- c. any firearm muffler or firearm silencer; or
- d. any destructive device.

5. Displaying what appears to be a weapon or firearm.
  6. Threatening to use any weapon or firearm.
  7. Intentionally damaging or destroying the property of a student, teacher, administrator, other district employee, or other person lawfully on school property, or school district, including graffiti or arson.
  8. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying, deceiving or giving false information to school personnel.
  2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, social media, etc.).
  4. Discrimination, based on a person's actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender identity or expression, age, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
  5. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, age, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender identity or expression or sex.
  6. Bullying and intimidation, which includes encompassing an imbalance of power and a variety of negative acts, such as, but not limited to:
    - Physical (hitting, kicking, spitting, taking personal belongings)



- Verbal (taunting, malicious teasing, name calling)
  - Psychological (spreading rumors, manipulating social relationships, extortion or intimidation)
  - carried out repeatedly over time.
7. “Internet bullying” (also referred to as “cyberbullying”)—Inappropriate and/or unauthorized use of technology (i.e. personal electronic devices such as MP3 devices or cell phones, computers, iPads, cameras, video and/or audio taping equipment, software, etc.) and/or the internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning and/or defaming others, accessing websites for non-academic purposes. Inappropriate or unauthorized use may include the use of instant messaging, email, websites, chat rooms, text messaging, Artificial Intelligence (AI), or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
  8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
  9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
  10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
  11. Selling, using, or possessing obscene material.
  12. Engage in the use of roller-blades, roller-skates, or skateboarding in the school building at any time.
  13. Using vulgar or abusive language, cursing or swearing.
  14. “Smoking” means the burning of a lighted cigar, cigarette, pipe, vape or hyde vape, or any other matter or substance containing tobacco, cannabis, THC, or cannabinoid hemp. “Tobacco products” means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco product. Smoking or possessing any of the above or any other tobacco product is prohibited.
  15. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages, illegal substances, drug paraphernalia, or being under the influence of. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any substances commonly referred to as “designer drugs”. Are under the influence/possession of alcohol/drugs, unauthorized over-the-counter or prescription medications, controlled substances, drug paraphernalia or tobacco products.
  16. Inappropriately possessing, using, or sharing prescription and over-the-counter drugs.
  17. Gambling.
  18. Indecent exposure, that is, exposure to the sight of the private parts of the body in a lewd or indecent manner.



19. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  20. Possessing pornographic material.
  21. Inappropriate physical contact between students (close physical proximity/touching, personal displays of affection).
  22. Backpacks are to be left in the student's locker. A student will be provided with a school issued string bag if requested.
  23. Sharing of a bathroom stall.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver.
- Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism, which may include the use of automated tools (artificial intelligence or machine learning tools)
  2. Cheating
  3. Copying
  4. Altering records
  5. Violation of copyright laws
  6. Assisting another student in any of the above actions

*(Please note: The above list is not intended to be either mutually exclusive or exhaustive.)*

**What does this mean at CLV HS/MS?**

All behaviors that infringe on the rights of students to an education or cause disruption to the educational setting will be addressed in accordance with the Code of Conduct. Your responsibilities and rights as a student are to a comprehensive and uninhibited education here at CLV.

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

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Chronic or repeated offenses of violations of the Code of Conduct will be considered gross insubordination. When school personnel issue a reasonable directive more than once to a student, and failure of compliance is displayed, the student will be considered grossly insubordinate and may additionally be charged with displaying a pattern of behavior.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

#### ***A. Penalties***

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

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

#### ***B. Procedures***

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to

impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the fact surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

### **1. Detention**

Teachers, principals, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be appropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

Since the school bus may be regarded as an extension of the classroom, students are required to conduct themselves on the bus in a manner consistent with the expectations consistent with the Student Code of Conduct. Excessive noise, pushing, shoving and fighting, and harassment will not be tolerated. If a student's conduct is not proper on the bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Ed. Law SS3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal or the principal's designee to discuss the conduct and the penalty involved.

### **3. Suspension from athletic participation, extracurricular activities, and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities, or other privileges is not entitled to a full hearing pursuant to Ed. Law SS3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

A student who is suspended from school for any reason, whether an In-School Suspension (ISS) or an Out-of-School Suspension (OSS) will not be allowed to participate in any extra-curricular activities for the duration of the suspension.

#### **NOTE:**

- Friday Out-of School Suspensions (OSS) carry a Saturday and Sunday application of this rule.
- In-School Suspensions (ISS) carry a same-day application of this rule to the extent possible.

#### **4. In-school Suspension**

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the principal and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Ed. Law SS3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### **5. Teacher disciplinary removal of disruptive students**

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

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

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

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

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

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

school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

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

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

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

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

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

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

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

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

## **6. Suspension from school**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principal.

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

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

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

When the superintendent or principal proposes to suspend a student charged with misconduct for 5 days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24-hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are

not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent determines that a suspension for more than 5 days may be warranted, reasonable notice shall be given to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witness and other evidence on his or her behalf.

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

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

***Permanent suspension***

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

**Minimum Periods of Suspension**

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

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

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.



5. Input from parents, teachers, and/or others.
6. Other extenuating circumstances.

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

***2. Students who commit violent acts other than bringing a weapon to school***

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

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

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

***c. Referrals***

1. Counseling - The Guidance Office shall handle all referrals of students to counseling.
2. PINS Petitions - The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable or habitually disobedient, and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition
3. Juvenile Delinquents and Juvenile Offenders



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

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

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

## ***XII. Alternative Instruction***

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

## ***XIII. Discipline of Students with Disabilities***

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

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

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

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

A “**suspension**” means a suspension pursuant to Education Law §3214. A “**removal**” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change of placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “**IAES**” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The board, the district superintendent (BOCES) of schools, or the principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but no more than 45 days, if the student carries or possess a weapon to school or to a school function, or the student knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. SS 930 (g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocketknife with a blade of less than 2 1/2 inches in length”.
  - 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than 10 consecutive school days; or

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

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

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

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
    - If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
    - If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating

disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The superintendent or principal, imposing a suspension or removal, shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student shall not be considered a student presumed to have a disability for discipline purposed if, upon receipt of information supporting a claim that the district had knowledge that the student was a student with a disability, the district either:
  - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in a manner required by law and regulations.

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

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

3. The district shall provide parents with notice if disciplinary removal no later than the date in which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with a disability subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five consecutive school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive

days or for a period that results in a disciplinary change in placement, unless the CSE determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

***D. Expedited Due Process Hearings***

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulation incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

***E. Referral to Law Enforcement and Judicial Authorities***

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

1. The district may report a crime committed by a child with disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

#### ***XIV. 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:

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

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