

**Port Byron Central School District**

**Code  
of  
Conduct**

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## **I. Introduction**

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

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

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

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

## **II. Definitions**

For the purpose of this Code, the following definitions apply.

“Disruptive student” means an elementary or secondary student who substantially impedes the education process or substantially interferes with the teacher’s authority over the classroom.

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

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

“School Function” means any school sponsored extra-curricular event or activity.

“Community Function” means any school authorized activity held on school property.

“Violent student” means a student who:

1. Threatens to commit any act of violence within the school using electronic, written, or verbal means of communication.
2. Commits an act of violence upon a school employee, or attempts to do so.
3. 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.
4. Possesses, while on school property or at a school function, a weapon.
5. Displays, while on school property or at a school function, what appears to be a weapon.
6. Threatens, while on school property or at a school function, to use a weapon.

7. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property of at a school function.
8. Knowingly and intentionally damages or destroys school property.

“Weapon” means a firearm as defined in 18 USC 921 for the purpose of the Gun-Free Schools Act. It also means any other guns, 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, paint ball gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instruments, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

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

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Procedural due process as guaranteed by the United States Constitution and New York State Educational Law prior to disciplinary action against them.
3. Access and be provided with school rules and, when necessary, receive and explanation of those rules from school personnel.
4. Freedom from unreasonable search and seizure. School authorities or their representatives will not search property assigned to a specific student unless they have a reasonable suspicion that items contained within constitute a rule violation or crime. Personal searches or searches of personal belongings will be allowed only when school authorities have reasonable suspicion that items hidden on the student or in his/her private property are illegal or in violation of school rules.

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

All district students have the responsibility to:

1. Contribute to maintain a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.

4. Work to the best of their ability in all academic and extra-curricular pursuits and arrive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extra-curricular events and hold themselves to the higher standards of conduct, demeanor, and sportsmanship.
12. Report any threats to the safety of others to school personnel.

#### **IV. Essential Partners**

##### **A. Parents**

All parents are expected to:

1. Recognize that education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are for legal reasons as per the state guidelines.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Maintain appropriate communication with school personnel, other parents, and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in home situations that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are complete.

##### **B. School Personnel**

All district personnel are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Demonstrate interest in learning and concern for student achievement.

3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Maintain appropriate confidentiality.
5. Promote a safe, orderly, and stimulating environment, supporting active teaching and learning.

### **C. Teachers**

In addition to general school personnel responsibilities, all teachers are expected to:

1. Be prepared to teach and deliver high quality instruction.
2. Demonstrate interest in teaching and concern over student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. 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
5. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

### **D. Guidance Counselors**

In addition to general school personnel responsibilities, counselors are expected to:

1. Assist students in coping with peer pressure, personal, social, and emotional problems.
2. Initiate conferences, as necessary, as a way to resolve problems and/or promote student learning.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning and lifelong learning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

### **E. Principals**

In addition to general school personnel responsibilities, all principals are expected to:

1. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances
2. Evaluate on a regular basis all instructional programs and facilitate their growth and improvement.
3. Support the development of, and student participation in, appropriate extracurricular activities.
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher need.

## **F. Superintendent**

In addition to general school personnel responsibilities, the Superintendent is expected to:

1. Review with district administration the policies of the Board of Education and state and federal laws relating to school operations and management.
2. Inform the board about educational trends.
3. Work with district administrators in enforcing the Code of Conduct and ensure that all cases are resolved promptly and fairly.
4. Support and facilitate excellence in learning and teaching.

## **G. Board of Education**

1. Collaborate with student, teacher, administrator, parent, organizations, school safety personnel, and other school personnel to adopt a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors at school functions or community events on school property.
2. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.

## **V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up and nails shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and back), short shorts, and see-through garments are not appropriate. Midriffs should not be exposed.
3. Ensure that underwear is completely covered with outer clothing. All clothing should be an appropriate length to cover underwear.
4. Sleepwear is not permitted unless under special circumstances as approved by the building principal.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. No hoodies should be worn in the building, and hats are not allowed to be worn in the auditorium.
7. Not include items that are vulgar, obscene, or depict images of the male/female anatomy whether clad or unclad, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability.



8. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
9. Not include the wearing of chains except light-weight standard jewelry.
10. Not include the wearing of gang related insignia.
11. No wearing of headphones or earbuds in the hallways.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the year.

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

## **VI. Driving/Parking Regulations**

All students driving to school must pick up a form from the Lehn office to be filled out and signed by both parent/guardian and student.

1. Must possess a valid NYS driver's license
2. Vehicle must be registered and insured
3. All vehicles driven to school must fall under one of the following categories:
  - a. Car
  - b. Truck
  - c. Van
  - d. SUV
  - e. Motorcycle
4. All students must park their vehicles in the designated areas which are posted and described on the form.
5. Any student parked inappropriately will be asked to move his/her vehicle.
6. Must adhere to the posted speed limit signs on school property.
7. Abide by all NYS Motor Vehicle laws.

**PLEASE DO NOT PASS A STOPPED SCHOOL BUS WHEN THE RED LIGHTS ARE FLASHING**

Be advised that driving to and parking at school is a privilege contingent upon eligible students following and abiding by the rules. Any deviations may result in a loss said of privileges.

## **VII. Harassment and Discrimination (Dignity for All Student Act)**

### Definitions:

1. School property shall mean 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 section one hundred forty-two of the vehicle and traffic law.
2. School function shall mean a school sponsored extra –curricular event or activity.
3. Disability shall mean: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or help.
4. Employee shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.
5. Sexual orientation shall mean actual or perceived heterosexuality, bisexuality, or transgender.
6. Harassment and discrimination shall mean 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 well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

### Prohibition of Harassment and Discrimination

The district prohibits discrimination or harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:

1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can be expected to materially and substantially disrupt the education process may be subject to discipline.

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this code of conduct has been violated, corrective action will be taken in accordance with District policies and regulations, this code of conduct, and all appropriate federal or state laws.

### **CLASS 1 OFFENSES: LOWEST LEVEL**

1. Failure to follow the reasonable directions of a staff member
2. Failure to follow posted or stated cafeteria rules
3. Disruptive or unacceptable hallway behavior
4. Use of hallways without properly obtained pass at times other than passing between periods, including unauthorized presence in the High School or Elementary School
5. Failure to cooperate with a substitute teacher
6. Tardiness
7. Skipping an assigned detention
8. Disruptive behavior during an assembly
9. Misconduct in class, in building, on grounds or in school vehicles
10. Any overt display of affection beyond holding hands
11. Use of inappropriate language by or between students
12. Conduct detrimental to school order
13. Loitering in hallways or restroom
14. Misbehavior on a field trip
15. Skipping Class
16. Late to school
17. Misuse of a pass/passbook
18. Water guns, bottles
19. Throwing snow
20. Misconduct during emergency evacuation or drills
21. Inappropriate dress
22. Leaving class without permission
23. Physical contact/horseplay with no physical injury

### **RANGE OF PENALTIES FOR CLASS 1 OFFENSES**

Warning  
Restricted privileges  
Parents contacted

Punishment assignments (should be related to the offense)

Detentions

1 or 2 day(s) assigned in the suspension room

Alternative Education

Principal's or Superintendent's Hearing (formal or informal)

Further penalties as deemed appropriate

Penalties are rendered at the judgment of the Principal

## **CLASS 2 OFFENSES**

1. Truancy (sect 3210 NYS Education Law) (BOE Policy 7110)
2. Unlawful detention (sect 1709.2 NYS Education Law) (BOE Policy 7110)
3. Unauthorized absence – a student under age 16 who absented himself/herself from instruction without authorization or administrative approval
4. Smoking on school grounds, in school building, or while under school supervision. You are in violation of the smoking policy if you are found:
  - a. Smoking (also prohibited by NYS law)
  - b. Holding or possessing a cigarette or any other tobacco related product including electronic cigarettes or other smoking material
  - c. Dropping, throwing, or flipping away a cigarette or other smoking material
  - d. Exhaling smoke
  - e. Warning smokers of impending arrival of a staff member
5. Fighting (temporary and isolated without premeditation or intent to injure or intimidate)
6. Misconduct in the suspension room or during principal's detention
7. Possession and/or consumption of "look alike" drugs
8. Insubordination – adamant, repeated refusal to follow the direction of an administrator, teacher, or other staff members
9. Lying, forgery, or cheating
10. Vandalism
11. Repeated Class 1 offenses (3 or more)
12. Extortion
13. Possession and/or distribution of obscene materials
14. Academic misconduct (ex. plagiarism, cheating, copying, altering records, posting assignments on websites, assisting another student in any of these actions).
15. Threatening speech or actions.
16. Any conduct that endangers the safety, privacy, morals, health or welfare of themselves or others.
17. Any form of Cyberbullying.

## **RANGE OF PENALTIES FOR CLASS 2 OFFENSES**

1. Assignment to the suspension room for a period not to exceed 5 school days.
2. Withdrawal from all extra-curricular activities (attendance and participation) for up to 30 calendar days. The days may cross school years
3. Referral to local law enforcement officials where applicable
4. A discipline conference. Discipline conferences may include the student, parents, and appropriate staff members
5. Request for an informal/formal hearing before the Principal or Superintendent of Schools
6. Suspension from school (1-5 days)

## **CLASS 3 OFFENSES**

1. Disorderly conduct (sect 240.20 NYS Penal Law) a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:
  - a. He/she engages in fighting or violent tumultuous or threatening behavior or
  - b. In a public place, he/she uses abusive or obscene language, or makes obscene gestures in an effort to annoy or defy teachers, administrators, or other supervisory personnel
  - c. Any other overt behaviors which interfere with the normal operation of the school may be considered disorderly
2. Harassment (Sect 240.25 NYS Penal Law) (including but not limited to sexual harassment) a person is guilty of harassment when, with intent to harass, annoy, or alarm another person:
  - a. He/she engages in conduct commonly called hazing or
  - b. He/she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy another person
3. Loitering (Sect 240.35 NYS Penal Law) a person is guilty of loitering when he/she remains or wanders about the school or grounds with no specific legitimate reason for being there without written authorization from anyone authorized to issue such permission
4. Trespass (Sect 140.10 NYS Penal Law) a person is guilty of criminal trespass when he/she knowingly enters or remains unlawfully in a school building on violation of posted rules or regulations governing entry and use thereof, or in violation of a personally communicated request to leave the premises from a principal, custodian or other person in charge thereof
5. Possession of a weapon (Sect 265.01 NYS Penal Law) a person is guilty of criminal possession of a weapon when:
  - a. He/she possess any firearm, dart gun, gravity knife, switchblade, blackjack, bludgeon, or
  - b. He/she possesses any dagger, dangerous knife, razor, imitation pistol, and other dangerous or deadly instrument or weapon on school grounds, in a building, or a vehicle
6. Possession and/or under the influence of drugs, sale of a depressant, stimulant, hallucinogenic, or narcotic drug or preparation (art. 220 NYS Penal Law)
7. Possession and/or consumption of, under the influence of an alcoholic beverage on school grounds, in the school building, or while under school supervision

8. Assault (art. 120 NYS Penal Law) a person is guilty of assault when:
  - a. With intent to cause physical injury to another person he/she causes such injury, or
  - b. He/she recklessly causes physical injury to another person, or
  - c. With criminal negligence, he/she causes physical injury to another person by means of a deadly weapon or dangerous instrument
9. Other crimes against persons (art. 125.130.135 NYS Penal Law) a person is guilty of a crime against a person as specified in the articles identified
10. Crimes against property (art. 140.145.150.155.160 NYS Penal Law) actions constituting trespass, burglary, criminal mischief, arson, larceny, and robbery are prohibited as specified in the articles identified
11. Any violations of the provisions of the NYS Penal Law not herein before specifically mentioned
12. Sale of mild depressants, stimulants or narcotics, i.e. look alike drugs is a Class A misdemeanor under Public Health Law
13. Possession and/or use of fireworks, smoke bombs, percussion caps, etc., while under supervision
14. Possession of drug paraphernalia
15. Initiating a Bomb threat
16. Falsely activating a fire alarm
17. Repeat Class 2 Offenses (2 or more)
18. Any conduct that endangers the safety, privacy, morals, health or welfare of themselves or others
19. Any form of Cyberbullying

### **RANGE OF PENALTIES FOR CLASS 3 OFFENSES**

Parents and the Superintendent must be notified in writing and a Superintendent's Hearing or a principal's discipline conference held

1. 1-5 OSS
2. Referral to law enforcement officials for appropriate action
3. Withdrawal of all extra-curricular activities (attendance and participation-up to 60 calendar days).  
Days may cross school years

### **VIII. PROHIBITED STUDENT CONDUCT**

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

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

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

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways
2. Making unreasonable and inappropriate noise
3. Using language or gestures which are profane, lewd, vulgar, or abusive
4. Obstructing vehicular or pedestrian traffic
5. Speeding or driving recklessly on school grounds
6. Engaging in any willful act, which disrupts the normal operation of the school community
7. Trespassing. Student are not permitted in any school building, other than the one they regularly attend, without permission from administrator in charge of the building
8. Computer/electronic communication device misuse, including any authorized use of computers such as accessing web hosting sites, participating in on-line bidding, viewing sites consisting of weapons or the creating of such, and accepting foreign sites not related to curriculum. The use of software, or internet/intranet account; accessing inappropriate websites; creating/distributing of photographs, video, and/or audio recordings; or any other violation of the district's acceptable use policy
9. Driving or riding to and from Port Byron Jr/Sr. High School or a Port Byron sponsored event/activity without written permission

B. 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. Lateness for, missing, or leaving school without permission
3. Skipping detention
4. Entering any area, classroom or office, within the school building without authorization and/or adult supervision
5. Refusing to leave any classroom for substantially disrupting the educational process after being directed to do so by Port Byron staff
6. Skipping class, or leaving class without permission.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel
2. Any conduct that impedes the delivery of instruction or the orderly conduct of school affairs

3. Cell phones should not be visible or in use during any instructional time between 7:32 a.m. and 3:00 p.m. unless it is in conjunction with a classroom assignment and pre-approved by that classroom teacher

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 or threatening 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, or threatening to do so
3. Possessing a weapon, live or spent ammunition. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
4. Displaying what appears to be a weapon
5. Threatening to use any weapon
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district personnel or any person lawfully on school property, including graffiti or arson
7. Intentionally or recklessly damaging or destroying school district property

E. Engage in any conduct that endangers the safety, privacy, morals, health or welfare of themselves or others.

Examples of such conduct include:

1. Lying to school personnel
2. Stealing the property of the school district, other students, school personnel or any other person on school property or attending a school function
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm



7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club, or team
  8. Selling, using, or possessing obscene material
  9. Using vulgar or abusive language, cursing, or swearing
  10. Smoking a cigarette, electronic cigarette, vapes, cigar, pipe, or using chewing or smokeless tobacco, or possession of smoking materials, and any form of incendiary devices such as matches, lighters, etc.
  11. Possessing, consuming, selling, distributing, buying, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, synthetic drugs, look-alike drugs, and any substances commonly referred to as "designer drugs"
  12. Inappropriately using, possessing, or sharing prescription and over-the-counter drugs or drug paraphernalia, such as marijuana pipes, bong, bowls, etc.
  13. Possessing, consuming, selling, distributing, buying, or exchanging protein powders, protein supplements, vitamins, energy boosters (i.e. quick shot 5 hour energy, etc.), or being under the influence of such items
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher or automated external defibrillator device
  16. Using cell phones/digital cameras or any other electronic devices during the school day to record students and/or staff (see Section F)
  17. Use of iPods or personal listening devices during the school day for non-instructional purposes
  18. Any violation of the DASA Law towards other students or adults.
- F. Engage in any form of Cyberbullying. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs)

**Cyberbullying has the effect of:**

1. Physically, emotionally or mentally harming a student
2. Placing a student in reasonable fear of physical, emotional, or mental harm
3. Placing a student in reasonable fear of damage to or loss of personal property
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities

- G. The Port Byron Central School District may take disciplinary action pursuant to the Code of Conduct against students for off-campus speech, which causes or threatens to cause a material or substantial disruption to the educational process when school is in session. Off-campus speech can include traditional speech, or electronic speech such as e-mail messages, blogs, website postings (including but not limited to Facebook, You Tube, My Space, Twitter, Vine, Instagram) instant messages, text messages, digital pictures or Images.
- H. "Sexting", which includes the sending, receiving, or possession of sexually explicit messages, photographs, or images by electronic devices
- I. Engage in any act which is in violation of established Port Byron rules or policies, to willfully incite others to commit any of the acts herein, or to engage in irresponsible behavior or conduct contrary to decent, polite, honorable and honest standards
- J. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding the district buses to ensure their safety and that of other passengers 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
- K. Engage in any form of academic misconduct. Examples of academic misconduct include:
  - 1. Plagiarism
  - 2. Cheating
  - 3. Copying
  - 4. Altering records
  - 5. Inappropriately posting assignments on the web site
  - 6. Assisting another student in any of the above actions

## **IX. PORT BYRON CSD TECHNOLOGY CODE OF CONDUCT FOR STUDENTS**

### **Rights and Responsibilities**

Student use of the district's computer network and Internet should be limited to educational purposes that are directly related to the curriculum the student is studying. Usage should be ethically correct in nature.

All users accessing the computer network should not expect nor does the Port Byron Central School District guarantee privacy for any user of the district computer network. The Port Byron Central School District reserves the right to monitor all technology resource activity. District officials or system administrators for any reason whatsoever may access all computerized files.

## Terms and Conditions

The use of the Port Byron Central School District computer network and Internet is a privilege, not a right. Any person using the district's computer network and/or internet had implicitly consented to adhere to all policies. The district may disable a user's account at any time for inappropriate or irresponsible behavior.

Violations of the terms and conditions of use will be reported to the building administrator who will determine penalties. If warranted, the administrator shall refer the case to an appropriate school, local, state, or federal authority for disposition.

- 1) Using the computer network and internet in any inappropriate manner which will violate District policy, federal, state or local laws. This includes, and is not limited to, copying or transmission of software, unauthorized access, and interfering, destroying, or disrupting (hacking) the proper operation of any computer network, software program or software system.
- 2) A user will not violate copyright protections which includes photos, text, etc.
- 3) A user will not use information obtained through the computer network and internet without giving proper credit to the source (plagiarism).
- 4) A user will not use an account assigned to another user, or allow another user to use his or her account. It is the user's responsibility to be accountable for the use of his/her password. The password should not be revealed to anyone. Any problems, which arise from misuse of a user's password, will be that user's responsibility.
- 5) A user will not use the computer network and internet for financial gain or profit.
- 6) Users are prohibited from creating, receiving, uploading, downloading, transmitting, storing, printing or distributing files or messages that are, but not limited to, pornographic, profane, obscene, threatening, or use of language that offends or tends to degrade others, or contains information considered dangerous to the public at large.
- 7) A user will use only software owned by the Port Byron Central School District when working on the computer network or on any workstation. No software from outside sources may be loaded or used without permission from the Technology Coordinator.
- 8) Users will not post personal contact information about themselves or other people. Personal contact information includes information regarding home address, telephone numbers, school addresses, work addresses, etc.
- 9) All Web pages must be developed according to District guidelines and approved by the Technology Coordinator prior to posting. Web pages may include only the first name and the initial of the student's last name. Pages or filenames may not include a student's phone number, address, e-mail address or names of other family members or friends. Use of individual student pictures (video or still) and audio clips on a district web page, including teachers individual web pages, must have a signed parent/guardian approval on file with the Technology Coordinator for all students under 18 years of age. Group pictures (video or still) and audio clips may be published without parent/guardian approval if names are omitted. Personal information about employees (name, phone number, E-mail address, home address, or employees picture (video, still or audio clip) may be published only with their written permission.

- 10) Student users will not be allowed to join chat groups or discussion groups unless it is for a specific educational purpose and permission from the parent/guardian and a staff member is obtained. The staff member granting permission shall directly supervise student participation and shall ensure that the student unsubscribes when the purpose for the use is over.
- 11) Use of free e-mail accounts is prohibited. Faculty and staff are provided e-mail accounts by the district. The Port Byron Central School District will monitor e-mail activity. There is no basis for an expectation of personal privacy regarding e-mail use. Should the district decide to provide e-mail accounts for students the following guidelines will be adhered to:
  - a. A parent or guardian will submit a written consent for the establishment of an e-mail account for each student. Such consent will be deemed to remain in effect for as long as the student is enrolled or until it is withdrawn by the parent/guardian.
  - b. Student e-mail accounts will be used for educational purposes directly related the curriculum the student is studying in the district.
  - c. All student e-mail activity will occur under the general supervision of a member of the instructional staff. The parental approval consent form will expressly provide that e-mail activity will be monitored by the School District.
- 12) Computers, laptops, PDA's (personal digital assistants) or other peripherals not owned by the district may not connect to the district's computer network or Internet for any reason without prior consent from the Technology Coordinator.

## **X. Reporting Violations**

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

All district staff that is authorized to impose disciplinary sanctions is 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 a supervisor, who shall in turn impose an appropriate disciplinary sanction, in a prompt, fair and lawful manner, or refer the matter to a staff member who is authorized to do so.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible. The parent of the student involved shall be notified and the appropriate disciplinary action will be taken, which may include suspension, a superintendent's hearing, expulsion and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

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

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

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

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

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

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

### **A. Range of 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. These penalties may cross school years. 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 school personnel
2. Written warning – any school personnel
3. Communication with the parent – any school personnel
4. Detention – any school personnel
5. Extended detention – principal, superintendent
6. Suspension from transportation – principal, superintendent
7. Suspension from athletic participation – coaches, athletic director, principal, superintendent
8. Suspension from social or extra-curricular activities – activity director, principal, superintendent
9. Suspension of other privileges – principal, superintendent
10. Restriction of school privileges – any school personnel
11. Restriction of the use of computer equipment – principal, superintendent
12. In-school suspension – principal, superintendent
13. Removal from classroom by teacher – teachers, principal
14. Short-term (five days or less) suspension from school – principal, superintendent, board of education
15. Long-term (more than 5 days) suspension from school – principal, superintendent, board of education
16. Assignment to the Alternative Instruction Program – principal, superintendent
17. Permanent suspension from school – superintendent, board of education
18. Other penalties as appropriate to the offense – any school personnel
19. Referral to local law enforcement – any school personnel

## **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 facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Generally, the resolution of offenses should be handled at the lowest possible level.

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

### **1. Detention**

Teachers and principals/superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Detention may be imposed outside the regular school day. If a student is absent on the day of an assigned detention, the detention will automatically be reassigned for the next day the student is in attendance.

## **2. Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or the designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law #3214 unless the suspension would result in the inability to attend school. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

## **3. Suspension from Athletic Participation, Extracurricular Activities and Other Privileges**

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law #3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

## **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 building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension supervisor will be under the direction of a certified teacher and building administrator.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law #3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

Any student who is suspended may not attend or participate in any after school or extracurricular activity on that day.

## **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) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member. 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 impedes 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 (as defined in Section IV, C, 2) pose a danger or ongoing threat of the disruption of the academic process, the teacher must provide the student with an explanation of 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 to himself/herself, others, or property, the teacher may order the student 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 event within 24 hours.

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

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



The principal may require the teacher who ordered the removal to attend an informal conference. The written notice must be mailed within 24 hours of the student's removal at the last known address for the parent/guardian.

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

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is not supported by the district's Code of Conduct, or is in violation of the student's legal rights.
3. The conduct warrants suspension from school pursuant to Educational Law #3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the two (2) school days for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

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

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

## **6. Out of School Suspension**

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

Any district personnel must immediately report and refer a violent student to the principal for a violation of the Code of Conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the district personnel making the referral.

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.

Any student who is suspended may not attend or participate in any extracurricular activity on that day.

**a. Short-term (5 days or less) Out of School Suspension**

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law #3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation for 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 means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting 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 conferences 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 students’ 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 of Education may be appealed to the Commissioner within 30 days of the decision.

Any student who is suspended may not attend or participate in any after school or extracurricular activity on that day.

**b. Long-term (more than 5 days) Out of School Suspension**

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

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

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

Any student who is suspended may not attend or participate in any after school or extracurricular activity on that day.

**c. Permanent suspension**

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

Any student that is suspended may not attend or participate in any after school or extracurricular activity on that day.

**d. Minimum Periods of Out of School 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 whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

## 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. 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.

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

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

## **e. Referrals**

### 1. Counseling

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

### PINS Petitions

2. 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 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 sufficient basis for filing a PINS petition.

### 3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to law enforcement authorities:

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

The superintendent or his/her designee 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 student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law #3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **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 of lesser rights than those expressly afforded by applicable laws 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 Educational Law #3214.

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

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

A “serious bodily injury” shall mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted or obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - i. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. #930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury..."
    - ii. "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.
    - iii. "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 Substance Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, and 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 constitutes a pattern because they accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

**C. Special Rules Regarding the Suspension or Removal of Students with Disabilities (Adhering to required time lines.)**

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/her current educational setting poses a risk of harm to the student of 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, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. The district will be presumed to have reason to believe that the child may be disabled if:
    - i. The parent of the child has expressed concern in writing to school personnel of the need for special education and related services;
    - ii. The behavior or performance of the child demonstrates the need for such services;
    - iii. The parent has requested an evaluation from the CSE;
    - iv. The teacher or other personnel has expressed concern about the behavior or performance of the child to the director of special education or other district staff.If the district has no reason to believe the child may be disabled, but the parent refers the child subject to discipline to the CSE for an evaluation, the evaluation must be conducted in an expedited manner and the student must be provided special education and support services if the child is determined to be disabled.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
    - ii. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law 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 of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
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 would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
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 regulations 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 or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - 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.
    - i. 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 dangerous, 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.

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

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

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute 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 whom 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 reasonably be used, reasonable physical force may be used to:

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

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

## **XV. Student Searches and Interrogations**

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

In addition, the Board authorizes the superintendent, building principals, and the school nurse to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

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

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses 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 practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

### **A. Student Lockers, Desks, other School Storage Places and Vehicles on School Property**

The rules in this Code of Conduct regarding searches of students’ belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. Moreover, a student will be deemed to have consented to the search of his or her motor vehicles as a condition of the privilege of parking said vehicle on District property.

In support of the Safe and Drug Free Policy, the district retains the right to utilize police dogs, or other technologies to ensure a safe and drug-free environment.

## **B. Custody of Illegal or Dangerous Items**

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

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

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. 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:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted, or if the parent cannot be present but consents to the interview, a representative of the school district will be present. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

If violation of penal law supersedes educational law, the police official will be responsible for guaranteeing the students' rights in the same manner as would happen outside of school property.

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

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

## **D. Child Protective Services Investigations**

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on 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 of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protection 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 he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Police authorities may participate in child interviews with the Department of Social Services when there is suspected abuse or violation of law.

## **XVI. Visitors to the Schools**

The Board encourages parents and other district citizens to visit the district's 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 to maintain order in the building. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the Lehn office of the principal upon arrival at the school. There, they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Lehn office before leaving the building.

3. Visitors attending school functions that are open to the public; such as parent-teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
8. Guests attending school dances must be currently under the age of 21 and will be subject to approval by the district. The appropriate paperwork must be filed with the Principal/Assistant Principal at least one (1) week prior to the event.

## **XVII. 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 a school function including parents, teachers and the 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 have proper attire.

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Use, sell, purchase, or be in possession of tobacco products on school property in accordance with federal Law.
11. 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.
12. Loiter on or about school property.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

**B. Dress Code**

1. Persons on school property or attending school functions should be dressed appropriately for a school function. There should be sensitivity to wearing items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
2. No hats should be worn in the auditorium or during the playing of the National Anthem at a school event.
3. Recognize that brief or see through garments are not appropriate.
4. Teachers and school personnel should dress in a manner conducive to performing their duties. All school personnel should exemplify and reinforce acceptable dress and help promote appropriate appearance in the school setting.



### **C. Penalties**

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

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

### **D. Enforcement**

District administrators or their designee(s) shall be responsible for enforcing the conduct required by this code.

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

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

## **XVIII. Dissemination and Review**

### **A. Dissemination of Code of Conduct**

The board will work to ensure that the community is aware of this Code of Conduct by:

1. Making copies of the code available to all parents and community members at the beginning of the school year.
2. Highlights of components of the Code of Conduct will be publicized in the district newsletters throughout the year.

3. Students will be provided yearly with a student handbook that reflects the Code of Conduct.
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 practical after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

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

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

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

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

