

**TULLY CENTRAL SCHOOL DISTRICT  
CODE OF CONDUCT**

BOE approved - 07-02-18 - Reorganization Meeting

# TULLY CENTRAL SCHOOL DISTRICT

## Code of Conduct

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## I. INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents, and visitors to the school 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 of Education recognizes the need to define clearly the expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. Further, the Board recognizes the importance of instruction on tolerance, respect for others, and dignity, including awareness and sensitivity to harassment, bullying, cyberbullying, discrimination, and civility. This includes, but is not limited to, actual or perceived differences in race, color, weight, national origin, ethnic group, religion, religious practice, mental or physical disability, socio-economic status, sexual orientation, gender, and sex. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and visitors when on school property or attending school functions. This Code also applies to off-campus conduct that creates, or would foreseeably create, a risk of substantial disruption within the school environment, or where it is foreseeable that the conduct might reach school property.

## II. DEFINITIONS

- A. "Behavioral Intervention Plan (BIP)" is a plan that is based on the results of an Functional Behavior Assessment (FBA) and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
- B. "Bullying" and "harassment" mean creating a hostile environment by conduct, communication, threat, intimidation, or abuse, including cyberbullying, based on a person's membership in a protected class. This behavior must be sufficiently severe, pervasive, or persistent that it: (a) 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, including conduct; (b) reasonably causes or would reasonably be expected to cause emotional harm; or (c) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. This definition includes harassment or bullying that occur on school property, at a school function, or

off school property where the acts create, or would foreseeably create, a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, communication, threats, intimidation, or abuse might reach school property.

- C. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act.
- D. “Discrimination” means the practice of conferring or denying privileges based on a person’s actual or perceived membership in a legally protected class such as race, color, weight, national origin, ethnic group, religion, religious practice, creed, disability, sexual orientation, gender, or sex.
- E. “Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions, which prevent the exercise of a normal bodily function, or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, (b) a record of this type of impairment, or (c) a condition regarded by others as this type of impairment, provided, however, that with respect to employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing the activities involved in the job or occupation sought or held in a reasonable manner.
- F. “Disruptive student” means any student enrolled in school who substantially interferes with the educational process or with a teacher’s authority over a classroom.
- G. “Functional Behavior Assessment (FBA)” is the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.
- H. “Gender” means actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones. It includes a person’s gender identity or expression.
- I. “Illegal drugs” means a controlled substance, except for those legally possessed or used under the supervision of a licensed health-care professional or under any other authority in accordance with the Controlled Substances Act or any other federal law.
- J. “Off-school conduct” means acts, communication, threats, intimidation, or abuse that occurs off school property, which creates or could foreseeably create a risk of substantial disruption within the school environment, or that might reach school property.

- K. "Parent" means the biological, adoptive, or foster parent, guardian, or person in parental relation to a student.
- L. "School property" means in or within any building, structure, athletic playing field, playground, parking lot, grounds, land, or real property utilized by the district as well as any moveable property that is either owned or leased by the district or that is under the district's control.
- M. "School bus" means every motor vehicle operated for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from school or a school function.
- N. "School function" means any school-related event or activity.
- O. "Violent student" means any person enrolled as a student who:
1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits or attempts to commit, 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.
  3. Possesses, displays, or threatens to use a weapon or what appears to be a weapon while on school property or at a school function.
  4. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  5. Knowingly and intentionally damages or destroys school property.
- P. "Weapon" means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other 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 cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause physical injury or death.

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### A. STUDENTS RIGHTS

The district is committed to safeguarding the rights given to all students under state and federal law and district policy. All district students have the right to:

1. A safe, healthy, orderly, and civil school environment.
2. Take part in all district activities on an equal basis in accordance with law.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.

4. Access district policies, regulations, and rules and, when necessary, receive an explanation of them from school personnel.
5. Not to be intimidated, harassed, or discriminated against on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, creed, sex, gender, sexual orientation, disability, or any legally protected category by anyone on school property or at a school function.
6. Attend school and have the opportunity to receive an education.

#### B. STUDENT RESPONSIBILITIES

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning.
2. Show respect to other persons and to property.
3. Be familiar with and abide by all district policies, rules, and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused, and be in class, on time, and prepared to participate and learn.
5. Work to the best of their ability in all academic and extra-curricular pursuits, and strive toward their highest level of possible achievement.
6. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
7. Learn, develop, and apply mechanisms to control their behavior.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to disciplinary consequences.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the school district when participating in or attending school or school functions, and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
13. Communicate any potentially dangerous situation to an appropriate school employee.
14. Respect one another and treat others in accordance with this Code and the Dignity for All Students Act (DASA).
15. Promote an environment that is free from intimidation, harassment, bullying, and discrimination through conduct that fosters civility, kindness, and acceptance.
16. Timely report and encourage others to timely report any incidents of intimidation, harassment, bullying, or discrimination to the building administrator or Dignity Act Coordinator (DAC).
17. Conduct themselves in a manner that does not create or foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, communication, threat, intimidation, or abuse might reach school property.

#### IV. ESSENTIAL PARTNERS

##### A. PARENTS

All district parents expected to:

1. Recognize that the education of their child's education is a joint responsibility with the school community.
2. Send their child to school regularly, on time, and ready to participate and learn.
3. Ensure their child attends school regularly and on time.
4. Ensure absences are excused under the district's attendance policy.
5. Insist their child be dressed and groomed in a manner consistent with the student dress code.
6. Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know and abide by school policies, regulations, and rules, and help their child understand them.
8. Convey to their child a supportive attitude toward education and the district by becoming acquainted with their child's school, employees, curriculum, and school functions.
9. Build good relationships with school personnel.
10. Help their child deal effectively with peer pressure.
11. Provide appropriate methods, support, and resources to help students control behavior.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Teach their child respect and dignity for themselves, district employees, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
15. Model behavior that is free from harassment, bullying, intimidation, and discrimination and that fosters civility, kindness, and acceptance.
16. Report incidents of harassment, intimidation, bullying, and discrimination to the appropriate building administrator.

##### B. TEACHERS/SUPPORT PERSONNEL

All teachers and support personnel are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-concept and promote confidence to learn.
2. Know and abide by school policies, regulations, and rules, and enforce them in a fair and consistent manner.
3. Provide appropriate methods and support to help students control their behavior.
4. Communicate to students and parents, as appropriate, which may include:
  - a. Course objectives and requirements.



- b. Marking/grading procedures.
- c. Assignment deadlines.
- d. Expectations for student conduct.
- e. Classroom discipline plan.
- 5. Communicate expectations regularly with students, parents, and other teachers concerning growth and achievement.
- 6. Confront issues of discrimination, intimidation, bullying, and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee, or any person who is lawfully on school property or at a school function.
- 7. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
- 8. Timely report incidents of discrimination, intimidation, bullying, and harassment that they witness, or that are otherwise brought to their attention, to the appropriate building administrator.

#### C. SCHOOL COUNSELORS, SOCIAL WORKERS, PSYCHOLOGISTS

All school counselors, social workers, psychologists are expected to:

- 1. Assist students in coping with peer pressure and personal, social, and emotional problems that may affect their performance and success at school.
- 2. Initiate teacher/student/counselor conferences and parent/teacher/counselor conferences, as necessary, as a way to resolve problems and to promote growth and achievement in school.
- 3. Encourage students to benefit from the curricular and extra-curricular programs and school functions.
- 4. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn. This includes conducting themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all.
- 5. Model behavior that is free from harassment, intimidation, bullying, and discrimination.
- 6. Timely report incidents of discrimination, intimidation, bullying, and harassment that they witness, or are otherwise brought to their attention, to the appropriate building administrator.

#### D. SCHOOL ADMINISTRATORS

All school administrators are expected to:

- 1. Promote a safe, orderly, and stimulating school environment, supporting effective teaching and learning.
- 2. Ensure that students and the other essential partners have the opportunity to communicate regularly with them and approach them to redress issues and concerns.

3. Support the development of, and student participation in, appropriate extra-curricular activities and school functions.
4. Be responsible for enforcing this Code and ensuring that all issues are resolved promptly and fairly.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn. This includes conducting themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all.
6. Model behavior that is free from harassment, intimidation, bullying, and discrimination.
7. Timely report incidents of discrimination and harassment that they witness, or are otherwise brought to their attention, to the appropriate building administrator.

#### E. SUPERINTENDENT

The superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination, bullying, and harassment, and supporting effective teaching and learning.
2. Inform the Board about educational trends relating to student discipline.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with district administrators in enforcing the Code and ensuring that all issues are resolved promptly and fairly.
5. Lead by example and conduct him or herself in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all people.
6. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
7. Timely report incidents of harassment, bullying, cyberbullying, or discrimination that he/she witnesses, or that are reported to him/her, to the appropriate building administrator.
8. Know school policies, regulations, and rules, and enforce them in a fair and consistent manner.

#### F. BOARD OF EDUCATION

The board of education is expected to:

1. Collaborate with students, essential partners, and any other district employees to develop this Code to clearly define expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review at least once a year the district's Code to evaluate its effectiveness and the fairness and consistency of its implementation.

3. Appoint a DAC in each school building. The DAC will be thoroughly trained to handle issues related to race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The DAC will be accessible to students and other District employees for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
5. Adopt policies that provide students and District employees with a school environment that is free of harassment, bullying, intimidation, and discrimination.
6. Model behavior that is free of harassment, bullying, intimidation, and discrimination.
7. Timely report incidents of harassment, bullying, intimidation, and discrimination that they witness, or that are reported to them, to the appropriate building administrator.

#### G. DIGNITY ACT COORDINATORS (DAC)

The dignity act coordinators are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training in the areas of actual and perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, and gender.
3. Be accessible to students and District employees for consultation and guidance as needed relative to DASA.
4. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
5. Accept reports regarding violations and conduct investigations as appropriate.

#### V. DRESS CODE

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

A person's dress, grooming, and appearance will:

1. Be safe and appropriate, including for the weather conditions, and it will not disrupt or interfere with the educational process.
2. Ensure that outer clothing completely covers all undergarments.
3. Include safe and functional footwear at all times.
4. Exclude hats or other head coverings during the school day except for a medical or religious purpose.
5. Exclude items that are vulgar, obscene, libelous, or that denigrates others.
6. Not promote or endorse the use of alcohol, tobacco, or illegal drugs, or encourage other illegal or violent activities.

Each building principal is responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

## VI. PROHIBITED STUDENT CONDUCT

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

The district expects students to be responsible for their own conduct, and to accept the consequences of any misbehavior. All school personnel are expected to enforce the Code of Conduct appropriately and to place an emphasis on the formative nature of the disciplinary process, with a goal of facilitating student growth and promoting student self-discipline. Students who violate school rules may be subject to disciplinary consequences, up to and including out-of-school suspension.

Students may be subject to disciplinary consequences, when they:

- A. Engage in disorderly conduct. Examples of disorderly conduct include, but are not limited to:
  - 1. Engaging in any act which disrupts the normal operation of the school community, such as making unreasonable noise, or using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incites others.
  - 2. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  - 3. Fighting.
  - 4. Misusing computer/electronic devices, including any unauthorized use of computers, software, internet, or intranet; accessing inappropriate content or websites; or any other violation of the District's acceptable use policy.
- B. Engage in conduct that is insubordinate or disruptive. Examples of insubordinate or disruptive conduct include, but are not limited to:
  - 1. Failing to comply with the reasonable requests of teachers, school administrators, or other school employees in charge of students.
  - 2. Demonstrating disrespect.

3. Being late for school or class, or missing or leaving school without permission.
  4. Skipping assigned detention.
  5. Being unprepared for class.
  6. Lying, deceiving, or giving false information to school personnel..
  7. Engaging in public displays of affection.
- C. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing or attempting to commit an act of violence upon any person lawfully on school property or at a school function.
  2. Possessing a weapon. Only authorized law enforcement officials may have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Intentionally damaging or destroying the personal property of any person lawfully on school property, including graffiti or arson.
  5. Intentionally damaging or destroying school district property.
- D. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples of this conduct include, but are not limited to:
1. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
  2. Acts of harassment, bullying (including cyberbullying), intimidating, or discriminating by conduct, communication, threat, intimidation, or abuse on school property or at a school function. Selling, using, distributing, sharing, exchanging, or possessing obscene material.
  3. Using vulgar, lewd, or abusive language, cursing, or swearing.
  4. Smoking or possessing a cigarette, e-cigarette, cigar, pipe, or using chewing or smokeless tobacco or any of their related paraphernalia.
  5. Possessing, consuming, selling, distributing, using, sharing, or exchanging alcoholic beverages, illegal substances, lookalike substances, synthetic or designer drugs or substances, or any other substance that is intended to alter mood, or being under the influence of any of these items.
  6. Operating a vehicle in an unsafe fashion.
  7. Defaming others by making verbal or written statements or representations that are intended to or actually cause harm to another person. This includes posting and publishing video or audio recordings, pictures, or other content on social media.
  8. Hazing, which includes any intentional or reckless act directed against another to initiate, affiliate with, or maintain membership in any school function, activity, organization, club, or team.
  9. Gambling.
  10. Indecent exposure.
  11. Initiating a report warning of fire or other emergency without valid cause, misuse of 911, or discharging a fire extinguisher.

- E. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Altering a grade or other student record, on paper or in electronic form.
  4. Copying.
  5. Forgery.
  6. Violating the district's acceptable use policy.
  7. Assisting another student in any of these actions.

#### VII. USE OF PERSONAL TECHNOLOGY AND ELECTRONIC DEVICES

Use of electronic devices will be left to the discretion of the administration, teachers, and appropriate school personnel. Please refer to student handbooks for specific guidelines related to appropriate use of personal technology and electronic devices.

While students may be permitted to possess these devices during the school day, they are prohibited from using them in any manner that invades the privacy of students, employees, volunteers, or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass, bully, discriminate against, or threaten others.

Electronic devices of any type may never be connected to District technology equipment such as a computer or projector without prior authorization. This includes items such as external hard drives, flash drives, or any device that can potentially transfer files into the network or single computer.

Parent and student communication should be kept to a minimum during the school day. In the event of an emergency, parents can contact the school to communicate with their child or a child can use the phone in the main office to contact a parent. The District will make all final decisions on communication.

Students who misuse personal technology and electronic devices may be subject to disciplinary consequences.

#### VIII. HARASSMENT, BULLYING, AND DISCRIMINATION

The district seeks to create an environment free of harassment, bullying (including cyberbullying), and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The district, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The district further prohibits discrimination against students, including but not limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. This prohibition applies to both school employees and

students, while on school property, or at any school-sponsored activities/events that take place at locations off school property. In addition, persons engaging in acts of harassment, bullying, and/or discrimination, which can reasonably be expected to disrupt the educational process, may be subject to disciplinary actions or other corrective measures.

The District will take disciplinary measures for incidents involving harassment, bullying, and/or discrimination consistent with this Code of Conduct. In so doing, the District will incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline. Consideration will be given to among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. The district's responses will be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

The District may also, as appropriate, avail itself of remedial responses to incidents of harassment, bullying, and/or discrimination in order to effect the end of such behavior. Remedial responses may include, but are not necessarily limited to: peer support groups; corrective instruction or other relevant learning or service experience; supportive intervention; or other research-based methods of harassment, bullying, and discrimination prevention

#### IX. DIGNITY ACT COORDINATORS (DAC)

In each of its schools, the District has designated at least one employee to serve as a Dignity Act Coordinator (DAC). In accordance with the regulations of the Commissioner of Education, each DAC has been thoroughly trained in the areas of: human relations; harassment, bullying, and discrimination; and exclusion, bias, and aggression in the educational setting. The DACs are charged with coordinating and enforcing the requirements of the Dignity for All Students Act and its implementing regulations and policies.

*Dignity Act Coordinators:*

*Elementary School: Mr. Edward Kupiec, [ed.kupiec@tullyschools.org](mailto:ed.kupiec@tullyschools.org), 315-696-6213*

*Junior Senior High School: Mr. Paul Schiener, [pschiener@tullyschools.org](mailto:pschiener@tullyschools.org), 315-696-6235*

#### X. PROHIBITION OF RETALIATORY BEHAVIOR

In accordance with Education Law, any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student, while on school grounds or at a school function, and who acts reasonably and in good faith to report this information to an appropriate school official, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from

any civil liability that may arise from making such report, or from initiating, testifying, participating, or assisting in such proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

#### 1X. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, or school administrator.

All district personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. All district personnel not authorized to impose disciplinary sanctions are expected to report violations of the Code of Conduct to a supervisor or administrator, who may in turn impose appropriate disciplinary consequences or refer the matter to a District employee who is authorized to impose appropriate disciplinary consequences.

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

#### X. DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial.

Disciplinary actions, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, personnel authorized to impose disciplinary consequences 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, or others, as appropriate.
6. Other mitigating or extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. A student with a disability may be disciplined only in accordance with the requirements of state and federal law.



If the conduct of a student is related to a disability or suspected disability, please refer to the the section on Students with Disabilities for more details. The student will be referred to the Committee on Special Education (CSE), and discipline, if warranted, will be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability.

#### A. CONSEQUENCES

Students who are found to have violated the district's Code may be subject to the following consequences, either alone or in combination. School personnel identified after each consequence are authorized to impose that consequence consistent with the student's right to due process.

1. Verbal warning – any member of the district staff
2. Detention – teachers, administrators
3. Suspension from transportation – administrators
4. Suspension from athletic participation – administrators
5. Suspension from social or extracurricular activities – administrators
6. Suspension of other privileges – administrators
7. In-school suspension – administrators
8. Removal from classroom by teacher – teachers
9. Short-term (five days or less) suspension from school – principal, superintendent, board of education.
10. Long-term (more than five days) suspension from school – superintendent, board of education.
11. Referral to outside agencies including, but not limited to, law enforcement, probation, and the courts – school counselor, principal, superintendent.
12. Placement in an alternative education setting – superintendent, board of education

#### B. PROCEDURES

Regardless of the consequence imposed, school personnel authorized to impose a consequence must let the student know what misconduct he/she is alleged to have committed and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing disciplinary consequences.

Students receiving consequences are entitled to the following rights:

1. Detention - Teachers and administrators may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Parents will be notified.
2. Suspension from Transportation - Bus drivers are expected to bring student misconduct to an administrator's attention. A student who becomes a serious disciplinary problem on the bus may have riding privileges suspended by a building administrator or the Superintendent. In

these cases, the student's parents will be responsible for seeing that the child gets to and from school safely.

A student subjected to a suspension from transportation is not entitled to a full hearing under Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the administrator imposing the suspension to discuss the conduct and the consequence 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 under Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the administrator imposing the suspension to discuss the conduct and the consequence involved.
4. In-school Suspension - The district will balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning.

A student subjected to an in-school suspension is not entitled to a full hearing under Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity to meet with the administrator imposing the in-school suspension to discuss the conduct and the consequence involved.

5. Teacher Removal of Disruptive Students - A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances, the classroom teacher can control disruptive student behavior by using good management techniques.

Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn. This may happen when the student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

The teacher must complete a discipline referral sheet and meet with the principal as soon as possible, but no later than the end of the school day. If the principal is not available by the end of the same school day, the teacher will leave the form and meet with the principal before the beginning of classes on the next school day.

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

The principal or his or her designee must make a determination as to whether to overturn the removal before the close of business on the school day following the informal meeting. The principal may overturn the removal if he or she finds that 1) the charges are not supported by substantial evidence, 2) the removal occurred in violation of law or the Code, or 3) the conduct warrants suspension from school under Education Law § 3214, and a suspension will be imposed.

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. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

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

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

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an administrator's office or sending students briefly into the hallway are not

considered removals from class. The removal process should not become a substitute for good classroom management.

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

The building principals have primary responsibility for suspending students.

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

The notice will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parent of the right to request an immediate informal conference with the principal. Both the notice and informal conference will be in the dominant language or mode of communication used by the parents.

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

After an informal conference, the principal will promptly advise the parents in writing of his or her decision. The principal will 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 Board with the District Clerk within ten business days of the date of the decision, unless they can show that extraordinary

circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

- b. Long-term (more than five days) Suspension - When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she will give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student will 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 will personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing will be maintained, but no stenographic transcript will be required. An audio recording will be considered a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part of it.

An appeal of the decision of the Superintendent may be made to the Board; the Board 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 ten business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

- c. Permanent suspension - Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety or well-being of other students, school personnel, or any other person lawfully on school property or attending a school function.
- d. 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 under 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 consequence, the Superintendent may consider appropriate factors.

- e. Students with Disabilities – A student with a disability may be suspended only in accordance with the requirements of state and federal law.

f. **REFERRALS**

1. Counseling – The school counselor, social worker, and/or psychologist, as appropriate, will facilitate student referrals to counseling.
2. Juvenile Justice Referral - The District may seek Juvenile Justice 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 from school.
  - b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
3. Juvenile Delinquents and Offenders  
The Superintendent or designee is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

XI. **ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance is suspended from school under Education law § 3214, the district will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

XII. **DISCIPLINE OF STUDENTS WITH DISABILITIES**

It may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them.

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

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

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

- A “suspension” means a suspension under Education Law § 3214.
- A “removal” means a disciplinary exclusion 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/herself or others.
- An “IAES” means a temporary educational placement for a period of up to 45 school 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 his or her IEP. The student shall receive as appropriate a Functional Behavioral Assessment and behavioral intervention services as well as modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The Board, the District (BOCES) Superintendent of Schools, or a building principal delegated the authority to suspend students 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 ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The Superintendent may order additional suspensions of not more than ten 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. 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, the Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days. This is true regardless of whether the conduct is a manifestation of the student's disability.

- d. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w), which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."

- (1) "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.

- (2) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

#### B. Change of Placement Rule

- 1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than ten consecutive school days; or
  - b. for a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of factors such 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.

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

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

1. The district's CSE will:

- a. Conduct functional behavioral assessments (see Section II Definitions) to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans (See Section II Definitions) whenever the district is first suspending or removing a student with a disability for more than ten 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 ten 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 will 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 will convene a meeting of the CSE to modify the plan and its implementation to the extent the committee determines it 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; because maintaining the student in his

current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, may 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 district is considered to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is considered 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 will be responsible for determining whether the student is a student presumed to have a disability. The district will be deemed to have knowledge that a student had a possible disability if prior to the time the behavior occurred

b.

(1) the parent expressed concern in writing to a building administrator or CSE chair that the student may be in need of additional supports, or

(2) the parent has requested that an individual evaluation of the student be conducted

- c. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
- (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The district will 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; 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 of Education will 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 will 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 will be bifurcated into a guilt phase and a consequence phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education.
6. The removal of a student with disabilities other than a suspension or placement in an IAES will be conducted in accordance with the due process procedures applicable to these removals, except that school personnel may not impose this type of removal for more than ten 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 will be provided services as required by the Commissioner's regulations.

D. Expedited Due Process Hearings

1. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations, if:

- a. The district requests this hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during the proceedings.
- b. The parent requests this hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including, but not limited to, any decision to place the student in an IAES.
  - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - (2) If school personnel proposed 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 will remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

- 2. An expedited due process hearing will be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the district and the parents within 5 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 this action will not constitute a change of the student's placement.
2. The Superintendent will 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.

### **XIII. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student to punish that student. Corporal punishment of any student by any district employee is strictly forbidden; however, 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 district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

Whenever a District employee uses physical force against a student, he or she will make a detailed report to the Superintendent describing the circumstances and nature of the action taken within the same school day. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations.

### **XIV. STUDENT SEARCHES AND INTERROGATIONS**

The district 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 consequence on a student may question a student about an alleged violation of law or the district Code. Students are not entitled to any 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, administrators, school nurse, or district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code.

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, they make an admission against their own interest, 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 question the student to elicit an admission that he or she possesses physical evidence that they violated the law or the district Code, or to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. In a situation involving weapons, dangerous material, or illegal contraband, the matter may be referred to a law enforcement agency.

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

A. Student Lockers, Desks, and Other School Storage Places

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

B. Documentation of Searches

The school official conducting the search will be responsible for promptly recording the following information, including, but not limited to:

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

The Superintendent, administrators, and security officials will be responsible for:

1. the custody, control, and disposition of any illegal or dangerous item taken from a student.
2. retaining control of the items unless the items are turned over to the police.
3. personally transferring dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations

District officials are committed to cooperating with police officials and other law enforcement authorities (collectively, "police") to maintain a safe school environment. However, police 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 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.
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 are permitted to question or search any student, the administrator will 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 before the police questioning or search, the parent will be informed of the questioning or search, in writing, by the administrator as soon thereafter as possible. The administrator will also be present during any police questioning or search of a student on school property or at a school function.

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

D. Child Protective Services (CPS) Investigations

The District is committed to keeping students safe from harm and it is the obligation of school officials to report to CPS when they have reasonable cause to suspect that a student has been abused or maltreated. The district will cooperate with local CPS workers who wish to interview students on school property relating to allegations of suspected child abuse or maltreatment, or custody investigations.

All requests by CPS to interview a student on school property will be made directly to administrator or designee. The administrator or designee will decide if it is necessary and appropriate for a school official to be present during the interview or to observe the interview from another room. If the nature of the allegations necessitate the student to remove any of his/her clothing for the CPS 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/her clothing in front of a CPS worker or school district official of the opposite sex. CPS and any of its team members must comply with the district's Code of Conduct and any other applicable policies or procedures.

A CPS 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.

C. Strip Searches

A strip search is a search that requires a student to remove any or all of his/her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause—not simply reasonable suspicion—to believe the student is concealing evidence of a violation of law or the district Code. School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

## XV. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools. Since schools are a place of work and learning, however, certain limits must be set for these visits. The building principal is responsible for all persons on school property. For these reasons, the following rules apply to visitors:

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



3. Any unauthorized person on school property will be reported to an administrator. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
4. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

## XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

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 expression are indispensable to its objectives. 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 must conduct themselves in a respectful and orderly manner; in addition, they should be properly attired.

### A. Prohibited Conduct

No person, either alone or with others, will:

1. Injure any person or threaten to do so.
2. Damage or remove district property or the personal property of any person lawfully on school property, including through graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school functions.
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 educational process.
5. Intimidate, threaten, harass, bully, or discriminate against any person on the basis of a person's actual or perceived race, color, creed, national origin, ethnic group, religion, religious practice, age, gender, sex, sexual orientation, weight, socio-economic status, disability, or any legally protected category.
6. Enter any portion of school property 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, share, or exchange tobacco products, alcoholic beverages, controlled substances, or illegal drugs, or be under the influence of any of them while on school property or at a school function.
10. Possess or use firearms or other weapons in or on school property or at a school function, except in the case of law enforcement officers or as specifically authorized by the district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to timely comply with any reasonable request of identifiable district officials performing their duties.
14. 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.
16. Use language or gestures that are profane, lewd, vulgar, or abusive.
17. Smoke or use other tobacco or nicotine-containing products, except nicotine-cessation products, on school property or at school functions.
18. Violate the District's Acceptable Use Policy or procedures.

This list is illustrative, not exhaustive,

**B. Consequences**

Persons who violate this Code may be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school property or at the school function will be suspended, and they will be directed to leave the premises. If they refuse to leave, they will be removed.
2. Students. They will be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with due process requirements and this Code.
3. Tenured faculty members. They will be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Classified civil service staff members. They will be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Employees and others not described in subdivisions 3 and 4. They will be subject to warning, reprimand, suspension, dismissal, or any other discipline necessary, as the facts may warrant, in accordance with any legal rights they may have.

**C. Enforcement**

The Superintendent will be responsible for enforcing the conduct required by this Code. The Superintendent may designate the other district staff who are authorized to take action consistent with the Code.

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

The district will initiate disciplinary action against any student or staff member as appropriate, in accordance with the "Consequences" section above. In addition, the district reserves its right to pursue or participate in a civil or criminal legal action against any person violating the Code.

## XVII. DISSEMINATION AND REVIEW

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

1. Providing copies of an age-appropriate, plain-language summary of the Code to all students at the beginning of each school year. New students will be given a copy of the summary upon registration.
2. Providing a summary of the Code of conduct written in plain language to all parents of district students before the beginning of the school year, and making this summary available later upon request.
3. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code when they are first hired.
5. Making copies of the Code available for review by students, parents, and other community members upon request.
6. Posting the Code on the district website.

A copy of the Code will be filed in each school building where it will be available for review by any individual.

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

The Board will review this Code 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 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 parties may participate.

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