

**Mount Pleasant Cottage School  
Union Free School District**

**Code of Conduct  
2023-2024**

**Revised March 1, 2023**

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## **Code of Conduct**

### **I. SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring that the following components regarding school conduct and discipline are established, maintained in keeping with this policy, and reviewed annually and updated as needed through collaboration among professional staff, students, and parents. Specific components may vary as appropriate to student age, building levels, and educational needs. The components include:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A discipline code for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such code that is publicized and explained to all students and provided in writing to all parents/guardians on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents/guardians;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parent's guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

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

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

- "Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- "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 Vehicle and Traffic Law § 142.
- "School function" means any school-sponsored extra-curricular event or activity.
- "Violent student" means a student under the age of 21 who:
  1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
  3. Possesses, while on school property or at a school function, a weapon.
  4. Displays, while on school property or at a school function, what appears to be a weapon.
  5. Threatens, while on school property or at a school function, to use a weapon.
  6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  7. Knowingly and intentionally damages or destroys school district property.
- "Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act including: a starter gun which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, the frame muffler or silencer, any destructive device including: any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having any explosive or incendiary charge of more than one-quarter ounce, mine or similar device; any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; any combination of parts wither designed in the two immediately preceding examples, and from which a destructive device may be readily assembled. It also means any other gun, BB gun, paint ball gun, pocket knife, 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 dartgun, Kung Fu star, electronic stun gun, pepper spray or other noxious spry, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Objects not normally considered as weapons (e.g., scissors, pens, pencils, padlocks, trays, utensils, books, etc.) may nonetheless be used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Discipline for the use of an instrument used as a weapon may, in the discretion of the Superintendent or designee, coincide with, but not limited to, the suspension periods governing weapons.

“Weapon” shall also include any other instrumentality or device defined as a “weapon” under any provision of the New York State Penal Law, or under the U.S. Code.

- “Bullying” is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this ' policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.
- “Discrimination” is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
- “Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; 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 (Education Law Section 11[7]).

*Under the Dignity act, there are currently 11 protected classes, groups or characteristics. The Dignity Act prohibits any discrimination based on actual or perceived characteristic. Although not required to be listed in the Code of Conduct, school districts may choose to add the definitions of the 11 protected classes, groups or characteristics, (particularly to the student’s plain-language version of the Code of Conduct), if they are not already listed:*

- “Race” means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: “White/Caucasian”. “Black/African American/African descent. “Asian”, “Bi-racial”, “Hispanic/Latinos” etc. to describe and classify the inhabitants of the United States.

- “Color” means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- “Weight means aside from the obvious meaning in the physical sciences, the word is used in references to a person’s “size”.
- “National Origin” means a person’s country of birth or ancestor’s country of birth.
- “Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and orideology that stresses ancestry.
- “Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
- “Religious Practice” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
- “Sex” means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote “sex”).
- “Gender” means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote “gender”).
- “Sexual Orientation” means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

#### Student Rights

**Students** have the right to be treated with Dignity, respect, courtesy and compassion in school.

**This Means:** No one will laugh at them, hurt their feelings, nor talk down to them.

**Students** have the right to be safe in school and expect their property to be safe.

**This Means:** No one will carry weapons, use illegal drugs or alcohol, hit, threaten, or hurt anyone, steal nor destroy their property.

**Students** have the right to be respected for their individual differences in school.

**This Means:** No one will treat them unfairly nor discriminate against them for any reason, including but not limited to social, economic, racial or cultural differences, or handicapping conditions.

**Students** have the right to learn about themselves and others, to hear and to be heard in school.

**This Means:** They will be free to appropriately express their feelings and opinions.

**Students** have the right to be helped to learn self-control in school.

**This Means:** They will be provided assistance in developing appropriate choices for responding to problems.

**Students** have the right to learn and be educated to the best of their abilities.

**This Means:** Others will assist them to reach their full potential.

#### Student Responsibilities

**Students** have the responsibilities to treat others with dignity, respect, courtesy and compassion.

**This Means:** I shall not laugh at, insult, put down, nor hurt the feelings of others.

**Students** have the responsibility to help keep school safe.

**This Means:** I shall not carry weapons, use illegal drugs or alcohol, fight, threaten, or hurt others, steal nor destroy the property of others.

**Students** have the responsibility to respect others as individuals.

**This Means:** I shall not treat others unfairly nor discriminate against them for any reason, including but not limited to social, economic, racial or cultural differences or handicapping conditions.

**Students** have the responsibility to learn about themselves and others in school.

**This Means:** I shall not prevent others from appropriately expressing their feelings and opinions.

**Students** have the responsibility to exhibit self-control in school.

**This Means:** I shall accept guidance from others in making appropriate choices to resolve my problems and to allow others their rights.

**Students** have the responsibility to participate in the educational process and to allow others to participate as well.

**This Means:** I shall cooperate in my educational program by attending regularly and working to the best of my ability.

\*Note: The Mount Pleasant Cottage School District uses a non-coercive approach when dealing with student discipline problems. It is our belief that students can learn to behave appropriately when motivated through strong relationships with the adults in their lives.

## **IV. ESSENTIAL PARTNERS**

### **A. Parents/Guardians**

All parents and guardians are expected to:

1. Recognize that the 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 excused.
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. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conductor performance.
12. Provide a place for study and ensure homework assignments are completed.

### **B. Teachers**

All district teachers 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 or sex.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner. Maintain confidentiality in conformity with Federal and State law.
5. Communicate to students and parents:
  - a. course objectives and requirements.
  - b. marking/grading procedures.
  - c. assignment deadlines.
  - d. expectations for students.
  - e. classroom discipline plan.
6. Communicate regularly with students, parents or guardians and other teachers concerning growth and achievement.



### **C. School Counselors**

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 or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

### **D. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

## **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

## **F. The Dignity Act Coordinator**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

## **G. Other School Personnel**

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 or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.

5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

## **H. Board of Education**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. 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.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

## **V. STUDENT DRESS CODE**

Students are required to attend school in appropriate dress which meets health and safety standards and does not interfere with their education. Appropriate student attire will be determined to be consistent with JCCA dress codes. When student attire is not consistent with the Agency dress code, the Principal or designee will contact the Agency Administrator on Duty to arrange for the student to return to the Agency for an appropriate change.

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

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

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

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 noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.

5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites, or any other violation of the district's acceptable use policy. (Further explained p.7314 of Mount Pleasant Cottage School Union Free School Policy Manual.)
8. Inappropriate use of cell phones, beepers or any other non-instructional electronic device.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school 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 in charge of students.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, spitting, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, spitting, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. 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 employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully 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 an 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, cigar, pipe or using chewing or smokeless tobacco.
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, 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, look-alike drugs, synthetic cannabinoids, and any substances commonly referred to as "designer drugs."
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
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.

- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

H. **Engage in harassment, bullying and/or discrimination that happened off of school property that leads to a hostile school environment.**

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the building principal or his or her designee. 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 a teacher, the building principal, the principal's designee or the superintendent.

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

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

The building principal 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 of 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 may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **VIII. 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. 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, fair 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 which 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.

If a student is unable to function behaviorally, he/she will be referred to the Committee on Special Education.

### **A. Consequences**

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

1. Oral warning -any member of the district staff
2. Time-Away – teacher
3. Conference with Administrator
4. Incident Report - bus drivers, hall and lunch monitors, coaches, guidance counselors, teacher, principal, superintendent
5. Written notification to parent/guardian - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
6. Detention - in coordination with teacher/administrators
7. Suspension from transportation - director of transportation, principal, superintendent
- 8a. Suspension from athletic participation - coaches, principal, superintendent
- 8b. Suspension from social extracurricular activities - activity director, principal, superintendent
- 8c. Suspension of other privileges - principal, superintendent
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

### **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.



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

### **1. Detention**

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

### **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 their designees. In such cases, the student's parent or guardian (agency) will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent or guardian 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, Extra Curricula Activities and Other Privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to 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. 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. If the student poses a danger or on-going threat of disruption, the teacher may order the student to be removed immediately.

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

Within 24-hours after the student's removal the principal or another district administrator designated by the principal must notify the student's parents/guardians, in writing, that the student has been removed from class and why. The notice must also inform the parent/guardian 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.

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

The principal may attend or the principal may require the teacher who ordered the removal to attend the informal conference.

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 48 hours 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 otherwise in violation of law, including the district's Code of Conduct.
3. The conduct warrants suspension from school pursuant to Education 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 at the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any 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.

## **5. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of himself or 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 staff member may recommend to the superintendent or the principal that a student be suspended. All staff are responsible for the immediate reporting of a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation of referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

### **A. Short-term (5 days or less) Suspension from School**

When the superintendent or principal (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 of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, inter agency mail, 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 the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference 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 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 practical.

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 day of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

#### **B. Long-term (more than 5 days) Suspension from School**

When the superintendent 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 of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education 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 precluded them from doing so. The Board of Education may adopt in whole or in part the decision of the superintendent. Final decisions of the Board of Education may be appealed to the Commissioner of Education within 30 days of the decision.

### **C. Minimum Periods of Suspension**

#### *1. Students Who Bring a Weapon to School*

Any student 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 maybe 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 who is found to have committed a violent act, other than brining a weapon onto school property, may be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimize five-day suspension on a case-by-case basis. In deciding whether to modifythe 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 Interfere with the Teacher's Authority over the Classroom*

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom may be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teachers

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 out of school 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 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.

## **D. Referrals**

### *1. Counseling*

The Pupil Personnel Services office shall handle all referrals of students in counseling.

### *2. PINS Petitions*

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

- a. Being habitually truant and not attending school as required by part one of Article 55 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law 221.5. 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 the county attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 120(42).

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

## **IX. 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.

## **X. Suspension of Students with Disabilities**

In the event that a student has a known disability or when school officials can be deemed to know -- in accordance with law, that a student has a disability or meets the suspected of having a disability standard, the District will first proceed to conduct a §3214 long term disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

### **§504/ADA Disability**

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 ("§504")/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, ***no*** additional disciplines shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet a disability is indicated, or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of ten (10) school days must be preceded by notice and an evaluation conducted by the §504 team.
3. Students with a recognized §504/ADA disability who are known to be currently engaged in the illegal use of drugs or alcohol, who are found to be using or in possession of alcohol or drugs may be disciplined, regardless of their disability status, in the same manner and to the same extent as non-disabled students.

### **IDEA Disability**

For students classified or presumed to have disabilities under the IDEA (a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than ten consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors to be considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school. A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused special education services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the Student is not a student with a disability; or
4. It was determined that an evaluation was not necessary and the District provided appropriate notice to the parents of such determination.

### **Manifestation Determinations**

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members or the committee on special education as determined by the parent and the school district. The parent must receive written notification prior to any manifestation team meeting to ensure that the parent has an opportunity to attend and inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was a direct result of the school district's failure to implement the IEP

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.



When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR § 201.3 and 201.4(d)(2)(a)).

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent or guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of §200.5(a)(3) of the Commissioner's Regulations will be applicable.

### **Discipline of Students With Disabilities When the Manifestation Team has made an Affirmative "Manifestation Finding"**

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

### **Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury**

A student classified or suspected of having a disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to forty-five (45) school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "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 that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."
2. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

3. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

### **Situations Where it is Dangerous for a Student to Be in their Current Educational Setting**

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, the School District may commence an expedited hearing before a special education impartial hearing officer to demonstrate it is dangerous for a student to be in their current educational setting and is substantially likely to cause injury to himself or others if returned to his last agreed upon placement. An impartial hearing officer may order the placement of the student in an interim alternative setting for up to forty-five (45) school days in accordance with 8 NYCRR §201.8 and 201.11.

1. The Manifestation Team shall conduct a manifestation determination within 10 school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability. The IAES placement shall be based upon the CSE's recommendation.

### **Discipline of Students With Disabilities when the Manifestation Team has made a “No Manifestation Finding”**

Where a student with a disability’s conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student’s IEP and to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

### **Pendency Placement**

An IAES shall be deemed the student's “stay put” placement for up to forty-five (45) school days, during the pendency of any expedited due process proceedings commenced by parents to contest 1) a finding that a student is not “presumed to have a disability”, and/or 2) a finding that the student’s misconduct was not a manifestation of the student’s disability, and/or 3) a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or 4) the decision of an impartial hearing officer in a dangerousness hearing and/or 5) the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

### **Declassified Students**

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

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

1. The District's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, legal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others: or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The superintendent, 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.
    - 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:
      1. Conducted an individual evaluation and determined that the student is not 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 such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice 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 of Education 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 of Conduct.
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 removal 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 unless the conduct involved weapons, drugs or serious bodily injury or the student has been adjudicated a Dangerous Student in accordance with the Regulations of the Commissioner at Part 201.
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.

### **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.
    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

2. disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the outcome of the expedited due process hearing unless the parents and the district agree otherwise.
  3. If school personnel propose to change the student's placement after expiration of an IAES placement during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he 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.

### **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 a change of the student's placement.
2. The superintendent may 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.

## **XI. Corporal Punishment**

Corporal Punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this school district. However, physical force is allowed for the following reasons:

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

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

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 each year, setting forth the substance of each written complaint about the use of corporal punishment received by the

Mount Pleasant Cottage School Union Free School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents

Section 19.5

8 New York Code of Rules and Regulations

(NYCRR) Section 100.2(1)(3)

## **XII. Use of Time Out Rooms and Physical Restraints**

The Board of Education recognizes that students with disabilities sometimes exhibit inappropriate behaviors that impede learning. As a result, students with disabilities may require unique approaches to discipline so that they can continue to benefit from their educational program.

The use of a time-out room or physical restraint will be in conformance with a child's individualized education program (IEP). Staff will adhere to federal and state statutes and regulations in the administration of these measures.

### *Time-Out Room*

A time-out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to their educational program. The room will only be used in conjunction with a behavioral intervention plan, as part of the student's IEP. The room will provide a supervised area in order to facilitate self-control, or when it is necessary to remove a student from a potentially dangerous situation or unanticipated situations that pose an immediate concern for the physical safety of the student or others. The location, size and access to the time-out room will be in conformance with applicable laws and regulations. The Principal will inform parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time-out room. Upon request, the parent will be shown the space that will be utilized. In addition, the parent will be provided a copy of this policy.

### *Physical Restraint*

Staff will not use physical restraint as a substitute for systematic intervention to modify inappropriate behavior. Staff who may be called upon to physically restrain a student will be trained on safe and effective ways to do so. Physical restraint may be used in an emergency where no other approach would be effective in controlling the student's behavior.

### *Notification to Parents*

The parents of a student with a disability will be notified on the same day that the student is placed in a time-out room or that a physical restraint is applied to the student, by telephone and/or by electronic means. If the parent cannot be contacted after reasonable attempts have been made, the Principal will record the attempted contacts and provide it to the Committee on Special Education.

### *Training*

Training for staff on the policies and procedures related to the use of time-out rooms and physical restraint, and related behavior management practices, will be provided annually or as needed.

The Principal will be responsible for implementation and oversight of this policy.

Ref: 8 NYCRR 200.22

### **XIII. 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 of Education authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable individualized 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 belongs 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 belongs 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 practicable, 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 and other School Storage Places**

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage 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. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or 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 requiring advanced authorization 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 cause to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

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

### **C. Documentation of Searches**

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

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 items) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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), until the item is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

#### **D. 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 prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

#### **E. Child Protective Services Investigations**

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

All requests by child protective services to interview a student on school property shall be made directly to the 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 protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not 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.

#### **XIV. Visitors to the Schools**

The Board of Education encourages parent and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building 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 sign in at the District Office. 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 District Office before leaving the building.
3. Former residents visiting the school on official or unofficial business need prior approval from JCCA to be on grounds.
4. Visitors attending school functions that are open to the public, such as parent- teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the agency, the principal or the classroom teacher(s), so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons would be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

#### **XV. 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 this section of the Code of Conduct, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

### **A. Prohibited 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 legal 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, disability or for any reason.
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 of Conduct 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. 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.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refusal to comply with any reasonable order of identifiable school district officials.
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. 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, the appropriate law enforcement agency will be notified.
2. Students - They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members - They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service are entitled to the protection of Civil Service Law 75. They shall be subject to immediate ejection and disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have.

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

### **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this Code of Conduct.

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 principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal 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 principal 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 staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

### **XVI. Videotaping, Filming, Photography, Use of Cameras on Cell Phones, PDA's and Tape-recording of Students, Staff and Administrators**

The Mt. Pleasant Cottage School Union Free School District provides internet filters and takes every reasonable precaution to ensure the internet is safe. However, videotaping, filming, photography, use of cameras on cell phones, PDA's and tape-recording of student, staff or administrator without the explicit knowledge and permission of the student, staff and administrator is prohibited. This is inclusive of social networking sites (i.e., MySpace, YouTube, Face Book, Instant Messaging, AOL, AIM, Air AIM, Ditty Talk, Twitter, Bebo, MyLOL, Tagged, Hi 5, Broadcaster et al). However, students may potentially attempt to use their personal electronic devices to expose students, staff and administrators to the following prohibited activities:

- Sharing offensive websites with other students
- Sending and receiving inappropriate e-mail, blogs and other prohibited messages
- Sharing offensive material created at home
- Sending or receiving electronic messages which are defamatory or libelous
- Sending and sharing offensive pictures with other students
- Sending and sharing offensive material on district computers
- Sending "cyber threats" to other students or staff
- Sending and using a student's or staff's picture in a false light and/or without permission
- Creating offensive materials on their personal electronic devices and distributing them

In the event there is an allegation that a student has violated the Code of Conduct this may result in the suspension or revocation of the privilege of access to the school district's computer network, which may or may not be preceded by a warning, depending on the circumstances and the nature

of the offense. In addition, violations of the Code of Conduct may result in any of the disciplinary actions set-forth in Article 8, Section A, and may be deemed necessary by the Superintendent of Schools, the Board of Education and New York State law.

## **XVII. Dissemination and Review**

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

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

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

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

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

The Board of Education 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, parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code of Conduct, the Board of Education 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 of Education no later than 30 days after adoption.

**If you have any questions or concerns regarding this Code of Conduct or need to report an incident of misconduct including harassment, bullying or discrimination taking place on or off school property, please contact:**

**Stephen Beovich, Superintendent of Schools  
Mount Pleasant Cottage School, UFSD  
1075 Broadway, PO Box 8  
Pleasantville, New York 10570**

**sbeovich@mpcsny.org  
914-769-0456 Ext. 1201**

**Mount Pleasant Cottage School  
Union Free School District**

**Code of Conduct**

**7. Signature Page**

I acknowledge that I have read and understand the Code of Conduct.

**Please sign in the appropriate space.**

Student Name (Print)	Signature	Date
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Parent(s) Name (Print)	Signature	Date
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Employee Name (Print)	Signature	Date
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