

# CODE OF CONDUCT

## I. Introduction

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

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

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

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

## 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 the 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 or to do harm to another.
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 (20 USC §8921). It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### **III. Essential Partners**

#### **A. Parents**

All parents 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 positive 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 conduct or 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, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline issues
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Build positive relationships with parents and students.

#### **C. School Counselors**

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

#### **D. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

#### F. Board of Education

1. 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.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

### **IV. Student Rights and Responsibilities**

#### A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## V. Student Dress Code:

All Stillwater students are expected to give proper attention to personal cleanliness and to dress appropriately for school, school functions and co-curricular activities. Students and their families have the primary responsibility for acceptable student dress and appearance. Stillwater faculty, staff, and other district personnel should reinforce this acceptable dress and help students to develop an understanding of appropriate appearance in a school setting.

A Stillwater student's dress, grooming and appearance shall:

1. Be safe, appropriate and not distract, disrespect, or interfere with the educational process.
2. Not wear or be in possession of any chain(s).
3. Recognize that extremely brief garments such as tube tops, net tops, halter tops, plunging necklines, both front and back, **exposed middrifts**, see-through garments, sleep ware (i.e. pajama tops or bottoms) and certain shorts and skirts are not appropriate.
  - a) skirts should be halfway between knee and hip, **minimally**.
  - b) shorts **and skorts** should have an inseam length of 3", **minimally**.
4. Ensure that under garments are completely covered by outerwear.
5. Include footwear at all times. Footwear and any clothing or accessories that pose a safety hazard will not be allowed. (i.e. healies, safety pins, spikes, etc.)
6. Not include the wearing of hats or hoods in grades K-8, except for medical or religious purposes. In grades 9-12, hoods shall not be permitted. Hats will be permitted at teacher discretion.
7. Not include the wearing of items that are vulgar, obscene, libelous, suggestive, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.

It shall be the responsibility of the building principal or his/her designee to inform all students and their families of the student dress code at the beginning of the school year and any **new** revisions made to the dress code during the school year.

Students who violate the student dress code shall be required to modify their appearance by **removing the offending item**, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension or removal by the parent/guardian to home. Any student who repeatedly fails to comply with the student dress code shall be subject to further discipline, up to and including a formal out-of-school suspension.

An established committee consisting of administrators, staff, students and parents will review the dress code annually.

## VI. Prohibited Student Conduct

The Stillwater 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 Stillwater school community, and for the care of school facilities, property, and equipment.

The Stillwater Central School District recognizes that the best discipline is self-imposed, and that students must learn to assume and accept responsibility for their own behavior, in addition to the consequences of their misbehavior. School district personnel are expected to use disciplinary action only when necessary and appropriate and to help students develop an ability to grow in self-discipline.

The Stillwater Board of Education understands the need and responsibility to make its expectations for student conduct while on the school property or engaged in a school function specific and clear. The rules of student conduct listed below are intended to focus on the safety and respect for the rights and property of all students. Students who will not accept responsibility for their own behavior and who violate the school rules and procedures will be required to accept the consequences for their conduct.

Students may be subject to disciplinary action, which may include suspension from school when they:

- A. Engage in conduct which is disorderly and interferes with the learning environment. Examples of this disorderly conduct include:
1. Making loud noises in the hallways, stairwells, offices, cafeteria, auditorium, or classroom.
  2. Use language or gestures that are profane, lewd, vulgar, or abusive or which promote behavior which is disruptive and counterproductive to the educational process.
  3. Unsafe operation of a motor vehicle, or creating an unsafe environment as a passenger of a vehicle. This includes obstruction of vehicular or pedestrian traffic.
  4. Engage in any willful act which disrupts the normal operation of the school community.
  5. Trespass. Students are not allowed in any school building or part of the building, other than the one they regularly attend, without the express permission of the administrator in charge of the building.
  6. Use of electronic equipment without permission of a school administrator or his/her designee. This may include, **but is not limited to**, headphones, walkman, disc players, electronic games, cellular phones, cameras, pagers, palm pilots, laptop computers, **ipods, MP3 Players, portable DVD's**.
  7. **Use of cell phones during school hours. Upon the first infraction, the cell phone will be confiscated until the end of the school day. Subsequent infractions will require a parent/guardian to retrieve the cell phone from the main office.**
- B. Engage in conduct which is insubordinate. Examples of this include:
1. failing to comply with the reasonable directions of a teacher, staff member, or school administrator, or otherwise demonstrating disrespect.
  2. violating the Attendance Policy.
  3. truancy or leaving school without permission.
  4. failure to comply/fulfill consequences set forth by **a teacher or** an administrator
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include: failure to comply with the reasonable request or directive of a teacher, staff member, or school administrator.

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

1. Committing an act of violence (hitting, kicking, punching, scratching, spitting, biting) against a teacher, staff member, school administrator, student or any other person lawfully on school property or attempting to do so.
2. 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.
3. Displaying what appears to be a weapon.
4. Threatening to use a weapon or to threaten to do harm to any person while on school property.
5. Intentionally damaging or destroying the personal property of another student **or** any person while on school property, including graffiti or arson.
6. Intentionally damaging or destroying school district property, including graffiti or arson.

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

1. Lying to school officials and personnel.
2. Stealing the property of other students, school personnel or other persons lawfully on school property or attending a school function.
3. Making false statements or representations about an individual or group of individuals that harm the reputation of the individual or group of individuals 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 person in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive patterns of actions or statements directed at an individual or group of individuals which are intended to be or are perceived to be redirecting or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual or group of individuals in fear of bodily harm and/or bullying in which a person unfairly and deliberately hurts or frightens someone.
7. Hazing, which includes an intentional or reckless act directed against another for the purpose of initiation into or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene materials.
9. Use of vulgar or abusive language, cursing, or swearing.
10. Possession or use of tobacco products and paraphernalia, such as matches, lighters, etc.
11. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages, illegal substances and paraphernalia, or being under the influence of either. These illegal substances include, but are not limited to: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, ecstasy, and any substances referred to as “designer drugs.”
12. Possession or use of prescription and over-the-counter drugs.
13. Gambling, or items to be used for gambling purposes, such as playing cards, dice, video games etc., **during school hours.**
14. Indecent exposure including exposing private parts of the body in a lewd or indecent manner.
15. Initiating a report, warning of a fire or other catastrophe without valid cause, misuse of a 911 call 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 the school district school buses to ensure the safety and welfare of themselves and of other passengers and to avoid distracting the bus driver. Students are expected to conduct themselves on the bus in a manner consistent with the same standards for classroom and school behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. Any inappropriate behavior **on a school bus** will be handled by the Director of Transportation.

G. Engage in any forms of academic misconduct. Examples of this include:

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

## **VII. Reporting Violations**

All students are required to promptly report violations of this code of conduct to a staff member, teacher, school counselor, the building principal or his/her designee. Any student observing a student possessing a weapon or materials used as part of a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to a staff member, teacher, school counselor, the building principal, the principal's designee or the superintendent. The administration will attempt to provide safeguards for student confidentiality.

Any district staff authorized to impose disciplinary consequences are expected to do so in a prompt, fair, and lawful manner. District staff members not authorized to impose disciplinary consequences are expected to promptly report violation of this code of conduct to their supervisor, who in turn will impose the appropriate disciplinary consequence if authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence.

Any weapon or materials used in a weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible followed by a notification of the parent/guardian of the student involved and of the appropriate disciplinary consequence, which may include permanent suspension and referral for prosecution. Students engaging in violent behavior(s) will be subject to school related consequences including forms of suspension.

The building principal or the principal's designee will notify the appropriate law enforcement agency of those code violations that constitute a crime or which substantially affect the order or security of the school, as soon as possible, but no later than the close of business the day the principal or the principal's designee learns of the violation. The notification will be made by telephone or personal contact, identifying the student(s) and the nature of the code of conduct violation constituting a crime.

## **VIII. Disciplinary Penalties**

### **Procedures and Referrals**

School personnel who interact with students are expected to use disciplinary action only as necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action will be firm, fair, and consistent in an effort to modify student behavior. In determining the appropriate disciplinary consequences, school personnel authorized to impose disciplinary consequence may consider the following:

1. The age of the student.
2. The circumstances which led to a violation of the code of conduct.
3. The student's prior disciplinary record.
4. The effectiveness of previous forms of consequences.
5. Information supplied by parents, teachers, or others, as appropriate.
6. Other extenuating circumstances.

If the conduct of a student is related to a disability or suspected disability, the student will be referred to the Committee on Special Education. Consequences, if warranted, shall be administered consistent with the requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for conduct related to the disability.

### **A. Penalties-Consequences/Response to Disciplinary Issues**

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

1. Verbal warning – any district staff member.
2. Written warning/notification – any district staff member
3. Written notification to the parent – district administrators, teachers, school counselors
4. Detention – district administrators
5. Suspension from transportation – director of transportation, district superintendent
6. Suspension from athletic participation – coaches, athletic director, district administrators.
7. Suspension from social or co-curricular activities – district administrators
8. Suspension of privileges – district administrators
9. Alternate learning environment – district administrators
10. In-school suspension – building principal and his/her designee
11. Removal from classroom – teacher, principal and his/her designee
12. Short term suspension from school (five days or less) – building principal, superintendent, board of education
13. Long-term (more than five days) suspension from school – building principal, and his/her designee, superintendent, board of education
14. Permanent suspension from school – superintendent, board of education
15. Youth Court
16. Additional consequences as assigned by the building principal or his/her designee, superintendent, Board of Education

## **B. Procedures**

The amount of due process a student is entitled to before a penalty is imposed depends on the consequence being imposed. Regardless of the consequence, school personnel authorized to impose consequences must inform the student of the alleged misconduct and must investigate, to the necessary extent, the facts surrounding the allegation. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are given consequences other than a verbal warning, written warning or notification to their parents are entitled to additional rights before the penalty is imposed. These are explained below.

1. Detention – after school detention is imposed with parental notification, either by phone or mail, for students in grades 5-12. The district shall be responsible for appropriate transportation home following the detention.
2. Suspension from transportation – If a student does not conduct himself/herself properly on the bus, the driver is expected to bring such misconduct to the attention of the transportation director. Students who become a disciplinary problem may have their riding privileges suspended by the director of transportation or district superintendent or their designees. In such cases, the student’s parents will become responsible for providing transportation to and from school.  
A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided a reasonable opportunity for an informal conference with the director of transportation, district superintendent or his/her designee to discuss the misconduct and the consequence imposed.
3. Confiscation – If an item is used in a deliberate act of prohibited conduct, that item may be taken from a student. The item may be returned to the student or the principal or his designee may require a legal guardian or parent to retrieve the item.
4. Suspension from athletic participation, social and co-curriculum activities and other privileges – a student subjected to a suspension of the above list is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided a reasonable opportunity for an informal conference with the district official imposing the consequence to discuss the misconduct and the consequence imposed.
5. Alternative Learning Environment –  
The building principal and his/her designee and the superintendent may need to place a student in an alternative learning environment. This may be due to academic, social, behavioral or attendance concerns.
6. In-school suspension –  
The Board of Education recognizes the need to balance order and an educational environment and an individual’s right to attend school. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school for a violation of the code of conduct, in “in-school suspension.” The “in-school” suspension teacher will be a certified teacher or a properly trained staff member.  
A student subjected to in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and his/her parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the “in-school suspension” to discuss the misconduct and the penalty involved.
7. Teacher disciplinary removal of disruptive students – a student’s behavior can negatively offset a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In some instances, the teacher can control a student’s behavior and maintain or restore control in 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 or self- control in an alternative setting. This may include, but is not limited to:

(1) short term “time out” in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student’s behavior may become disruptive. A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with a teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules and procedures. A classroom teacher may remove a disruptive student from class for one day. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for being removed and an opportunity to explain his/her version of the relevant events. Only after this informal discussion, may a teacher remove a student from class. Within 24 hours, it will be the responsibility of the teacher to contact a parent or guardian. The teacher will also provide the administrator a written account of the incident and parental contact.

If a student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student the reason(s) for the removal within 24 hours and give that student a chance to present relevant events regarding the removal. Again, the teacher must provide the administration a written account of the removal and contact the parent/guardian within 24 hours.

The teacher must complete a disciplinary removal form and meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or designee is not available by the end of the school day, the teacher should leave the form with the appropriate secretary and meet with the principal or designee prior to the beginning of classes 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 that the student has been removed from class and why. The notification must also inform the parent that he or she has the right, upon request, to meet informally with the principal or principal’s designee to discuss the reasons for the removal. A written notice must also be provided summarizing the removal. The principal may require the teacher who ordered the removal to attend the informal conferences.

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 removal. The timing 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 are not supported by substantial evidence
2. the removal of the student is otherwise the violation of law
3. the conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if the conference is requested. Any disruptive student removed from the classroom

by the classroom teacher shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher will keep a log for all cases of removal of students from his/her class until he or she has verified with the principal or the Director of Special Education that the removal will not violate the student's rights under state or federal law or regulation.

8. Suspension from school

Suspension from school is a serious consequence, imposed upon students who are insubordinate, disorderly, violent or disruptive or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Stillwater Board of Education places the primary responsibility for the suspension of students with the superintendent and the building principals or their designee(s).

All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of this code of conduct. All reports and referrals shall be made in writing, unless the conditions underlying the referral warrant immediate attention. In such cases, a written report will be prepared as soon as possible by the staff member regarding the violation.

The superintendent or building principal, upon receiving the verbal or written report, shall gather the facts relevant to the matter and record them for subsequent presentation at an informal or formal conference.

A. Short-term (5 days or less) suspension from school

When the superintendent or building principal 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 verbally and in writing. The written notice must be provided by means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his/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 this decision, they must file a written appeal to the Stillwater Board of Education within 10 business days of the superintendent's decision unless they can show extraordinary circumstances to preclude them from doing so. Only final decisions of the board 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 found guilty of bringing a weapon onto school property may be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

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

### **2. Students who bring drugs/alcohol to school**

**The consumption, sharing and/or selling, use and/ or possession of alcoholic beverages, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.**

**Minimal consequences:**

1. **Automatic 5 days out of school suspension**
2. **Police contact**
3. **Counseling referral**

**The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing weapons. (see above)**

**The administration reserves the right to use a breathalyzer to ascertain student sobriety.**

### **3. 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 bringing a weapon onto school property, shall be subject to suspension from school for up to 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 minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### **4. Students who are repeatedly substantially disruptive of the education 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 up to five days. "Repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on

four or more occasions during a semester. If the proposed penalty is a five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Referrals**

##### **1. Counseling**

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

##### **2. PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses illegal controlled substances in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

##### **3. Youth Court**

The Stillwater Youth Court is operated by select students in the school district. Students function in the role of judge, prosecutor, defense attorney, and jury. Outcomes of participation in Youth Court may result in the assignment of decision making skills training, peer mediation, anger management training, community service, or other appropriate interventions prescribed through Youth Court.

##### **4. 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 qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

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

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

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

###### **1. A "suspension" means a suspension pursuant to Education Law §3214.**

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

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    1. For a definition of weapons, please refer to Section II 18 USC § 921, page 1.
    2. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy.
    3. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

#### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal,

the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

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

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

1. The district's Committee on Special Education shall:

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

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

If one or more members of the **Manifestation Team** 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 a student with a disability, or

- 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while 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 shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities.

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or

until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

- 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **XI. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by a district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

### **XII. Student Searches and Interrogations**

The Stillwater 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.

Additionally, local law enforcement officials and their K-9 patrol units may be used to randomly search school property and students' possessions.

In addition, the board 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

suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals 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.

It is important to note that searches can also include the use of breathalyzers at all co-curricular school activities. In this instance, the school could randomly test students or test all students for alcohol consumption using a breathalyzer device. Any student suspected by the administration of consuming alcohol will be kept under direct supervision until a parent or guardian arrives at school.

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. 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 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. 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.

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

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

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

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

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

### **XIII. Visitors to the Schools**

The board encourages parents 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 report to the reception area upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The building principal has the right to limit school visitations at his/her discretion.
3. Visitors attending school functions that are open to the public, after school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **XIV. 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, "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 employees or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances and tobacco, or be under the influence of any of the above on school property or at a school function.

10. Possess or use weapons in or on school property or at a school functions, 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. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by the 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, they shall be subject to arrest.
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 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 to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. 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.

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.

### **XV. Dissemination and Review**

#### A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students and parents in the **D**istrict's Calendar and in Student/**P**arent **H**andbooks.
2. **Administrators review the Code of Conduct with classes at the beginning of each school year.**
3. Making copies of the Code available to all parents at the beginning of the school year.
4. 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.

5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practical after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members.
8. Making the Code available for review on the District website; [www.scsd.org](http://www.scsd.org)

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

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

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

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

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

2008-2009 School Year  
(BOE Approved 6/24/2008)