

SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

INTRODUCTION

The Board of Education of the South Orangetown Central School District acknowledges its responsibility to provide a safe and orderly environment where all students may receive a quality education in an atmosphere that is safe and free from disruption and interference. Because the Board believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. We hold students, teachers, District personnel, parents, and other visitors to a high standard of responsible and respectful behavior.

The South Orangetown Central School District has long-standing guidelines for conduct on school property and at school functions, whether on or off of school property. Our expectations are based on principles of civility, respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct, to identify the possible consequences of unacceptable conduct and to ensure that discipline, when necessary, will be administered promptly, consistently and fairly. The Board, therefore, adopts this Code of Conduct, which applies to all students, school personnel, parents and other visitors, that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The Board believes that order and discipline must be a shared responsibility between school, home and community. The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include, but are not limited to loss of privileges, conferences, detention, restricted study/alternative learning center (in-school suspension), out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

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, but are not limited to:
 - 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

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any other violation of the district's acceptable use policy.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Inappropriate public sexual contact.
 3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. 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, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing or attempting to steal 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 persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are

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- 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. Bullying, which consists of inappropriate persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering others.
 8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
 9. Selling, using, distributing or possessing obscene material.
 10. Using vulgar or abusive language, cursing or swearing.
 11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".
 13. Inappropriately using or sharing prescription and over-the-counter drugs.
 14. Gambling.
 15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 16. 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, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or substantially disrupts the educational process. Examples of such misconduct include, but are not be limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
 2. Threatening or harassing students or school personnel over the phone or other electronic medium.
 3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel.

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DEFINITIONS

For the purposes of this Code, the following definitions apply:

Character – the combination of traits and features that come together to form a person; moral and ethical quality

Citizenship – appropriate behavior in terms of the duties, obligations, and functions of a (citizen)

Civility – courtesy, politeness, showing regard for others

District – the South Orangetown Central School District.

Disruptive Student - 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.

Honesty – the ability to tell the truth, even under pressure

Integrity – dedication to do what is right

Parent - the parent, guardian, or person in parental relation to a student.

Removal - the act of a teacher in discontinuing the presence of the student in his/her classroom.

Respect – a sense of worth of a person and his/her qualities or abilities; to hold in esteem and honor; willingness to show consideration and appreciation of self and others.

School Property - computer equipment, sports equipment, lockers, and all other physical property belonging to school, 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 - any school sponsored extra-curricular, co-curricular, class field trip, or other event or activity.

Suspension - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Tolerance – Acceptance of others, no matter what the circumstance may be

Violent Student - a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- 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.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Threatens using internet
- 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.
- Knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, cyber threat as weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as 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.

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Student-Staff Communications via Email, Cell Phones and Text-Messaging

Staff members and students shall not communicate with each other by e-mail and/or cell phones except at student e-mail addresses and cell phone numbers on a list furnished to staff, by the District, setting forth information contained on a parent consent form. List information shall be shared with the student's current building administrators, teachers, activity supervisor(s) and coach(es). The list shall be issued at the beginning of the school year, updated for newly enrolled students and otherwise updated at the beginning of each semester. Employees shall not use information on the list except for that provided to them for their current students.

Text messaging or instant messaging between staff and students, while not recommended, shall be limited to curricular or school activity related communications. Such messages shall not be communicated between the hours of 11:00 p.m. and 6:00 a.m. However, teachers, activity advisors and coaches may post information such as homework and scheduling of activities at any time of the day.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

The Board believes in the right of each child, between the ages of five and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

RIGHTS OF STUDENTS

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right to:

- Be provided with an appropriate education in accordance with state and federal laws and regulations and Board policy.
- Be provided with an education that is intellectually challenging and relevant to demands of the 21st century.
- Learn in an environment free from interruption, harassment, discrimination, intimidation and fear.
- Participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability, sexual orientation, marital status or veteran status.
- Be informed of all school rules.
- Be guided by a discipline policy, which provides fundamental due process and is fairly and consistently implemented.
- Learn in an environment free from interruption, harassment, discrimination, intimidation, fear, and bullying in any form, cyber or otherwise.

In addition, students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas

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consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.

2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, armbands or badges of symbolic expression so long as the same conform to the limits set forth herein under a school newspaper and a dress code.
3. **Student Activities** - All students shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular, co-curricular activities, and field trips. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.
4. **Student Government** - Students are encouraged to participate in the various student governmental bodies, which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and selected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution, which the students shall participate in formulating.
5. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request, upon presentation of a doctor's note. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, he or she may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.
9. **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. Corporal punishment means any act of physical force upon a student for the purpose of punishing that student. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, any of the above enumerated persons may use reasonable physical force for the following purposes:
 - a) To protect oneself from physical injury;

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- b) To protect others from physical injury;
- c) To protect the property of the school or others; or
- d) To restrain or remove a disruptive student if that student has refused to comply with the request to refrain from further disruptive acts.

RESPONSIBILITIES OF STUDENTS

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected to:

- Accept responsibility for his/her actions.
- Respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined.
- Attend school regularly, to participate in class, and to report promptly to class with all essential materials.
- Complete class assignments and other school responsibilities by established deadlines;
- Show evidence of appropriate progress toward meeting course and/or diploma requirements.
- Respect school property, e.g. lockers, desks, computers and sports equipment and help to keep it free from damage;
- Be familiar with and obey school regulations and rules made by school authorities and by the student governing body.
- Recognize that teachers, staff, and administrators assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities.
- Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.
- Become familiar with their school's handbook and seek interpretation of parts that are not understood.

- Actively discourage inappropriate behavior of other students and report incidents to the administration.
- Report all acts or threats of violence, including but not limited to bomb threats and threats of suicide, to a faculty member or the building principal, or by calling the school.
- Bring concerns about School District policies or actions to the appropriate member of the School District staff or administration.

ESSENTIAL PARTNERS

THE ROLE OF PARENTS

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, all parents are expected to:

- Show an enthusiastic and supportive attitude toward school and education.
- Recognize that the education of their child is a joint responsibility of the parents and the school community.
- A good working relationship between themselves and their child.
- Teach their child self-respect, respect for the law, respect for others and for public property.
- Know school rules and the Code of Conduct and help their child understand them.
- Ensure their child attends school regularly, on time and ready to participate and learn.
- Listen to the views and observations of all parties concerned.
- Recognize that teachers merit the same consideration and respect that parents expect from their child.

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- Encourage their child to take pride in his/her appearance.
- Insist that their child promptly bring home all communications from school.
- Cooperate with the school in jointly resolving any school related problem.
- Set socially appropriate standards of behavior for their child and resolve to remain firm and consistent.
- Help their child learn to deal effectively with negative peer pressure.
- Provide a place conducive for study and completion of homework assignments.
- Demonstrate desirable standards of behavior through personal example.
- Foster a feeling of pride in their child for their school.
- Provide support and positive reinforcement to their child.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school, including lost books, damage to property, etc.

THE ROLE OF SCHOOL PERSONNEL

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- Promote a climate of mutual respect and dignity which will strengthen each student's positive self-image.
- Teach the common courtesies by precept and example.
- Treat students in an ethical and responsible manner.
- Help students to reach their potential.
- Demonstrate desirable standards of behavior through personal example.
- Report violations of the Code of Conduct to the Building Principal or acting building principal.
- Immediately report and refer violent students to the Principal or Superintendent of Schools.

THE ROLE OF TEACHERS

Every teacher knows that he or she works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- Promote a climate of mutual respect and dignity which will strengthen each student's positive self-image.
- Plan and conduct a product of instruction that will make learning challenging and stimulating.
- Recognize that some disciplinary problems are caused by a student's personal and academic frustrations.
- Utilize classroom routines, which contribute to the total instructional program and to the student's development of civic responsibility.
- Seek to develop close cooperative relationships with parents for the educational benefit of the student.
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator.
- Teach the common courtesies by precept and example.
- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two.
- Help students cope with negative peer pressure.
- Identify changing student behavior patterns and notify appropriate personnel.
- Provide an opportunity for students to share issues and concerns.
- Send communications home promptly.
- Report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the

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teacher, or who seriously interferes with the instructional program of the classroom.

- Treat students in an ethical and responsible manner.
- Help students to reach their maximum potential.
- Serve as a surrogate parent in matters of behavior and discipline in accordance with state law.
- Explain and interpret the Code of Conduct to students.
- Enforce the code in all areas of the school.
- Demonstrate desirable standards of behavior through personal example.
- Know the support services available to students and refer students who are in need of such services.
- Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse.
- In the event of removal from class, inform the student and the Principal of the reason for the removal.
- Immediately report and refer violent students to the Principal or Superintendent of Schools.
- Set appropriate dress code example for students

GUIDANCE COUNSELORS, SOCIAL WORKERS & PSYCHOLOGISTS, SHALL, IN ADDITION TO THE ABOVE:

- Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Review with students their educational, social and emotional progress and career plans, when appropriate.

THE ROLE OF BUILDING ADMINISTRATORS

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- Seek to develop a sound and healthful atmosphere of mutual respect.
- Evaluate the program of instruction in their school to achieve a meaningful educational program.
- Help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms.
- Develop procedures which reduce the likelihood of student misconduct.
- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances.
- Work with students and staff to formulate school regulations.
- Assist staff members to resolve problems which may occur.
- Work closely with parents to establish a wholesome relationship between home and school.
- Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions.
- Establish necessary building security.
- Assume responsibility for the dissemination and enforcement of the Code of Conduct and ensure that all discipline cases referred are resolved promptly.
- Insure that students are provided with fair, reasonable, and consistent discipline.
- Comply with pertinent state laws governing hearings, suspensions, and student rights.
- Develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this Code of Conduct.
- Demonstrate desirable standards of behavior through personal example.
- Provide each student with a copy of school handbook

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THE ROLE OF DISTRICT ADMINISTRATORS

- As the educational leaders of the school system, the Superintendent of Schools and central administrators must:
- Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12
- Recommend to the Board of Education appropriate policy, regulations and actions to achieve conditions for positive learning
- Develop and implement an effective Code of Conduct supportable by students, parents, staff and community
- Demonstrate desirable standards of behavior through personal example
- Provide each teacher with a copy of the Code of Conduct

THE ROLE OF THE BOARD OF EDUCATION

As the elected officials in charge of our schools, the Board of Education:

- Adopts the policies governing the District, including this Code of Conduct.
- Ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors.
- Ensures that the Code of Conduct is clearly communicated to students, parents, staff and the school community.
- Ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner.
- Annually reviews the Code of Conduct and updates it as necessary.

CONDUCT OF VISITORS

In an effort to maintain a safe and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and which is in accordance with the law and this Code of Conduct.

REPORTING CODE VIOLATIONS

1. To: School District Personnel

Where appropriate and/or necessary, students, teachers, and other District personnel are expected to report any violation of this Code of Conduct to the Building Principal or designee or, in his/her absence, the Acting Building Principal. Students, teachers and other District personnel are required to report any violent or illegal act, including but not limited to possession of a weapon, alcohol or illegal substance, on school property or at a school function, or threat of violence, including but not limited to bomb threats, threats to persons or property, whether by oral, written or electronic means, to the Building Principal or designee or, in his/her absence, the Acting Building Principal or the Superintendent. (Please refer to website)

2. To: Local Law Enforcement Agencies

The District will report any acts of violence against persons that constitute a felony or misdemeanor, threatened acts of violence, and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the

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District will file a complaint in criminal court against the actor.

3. To: Human Services Agencies

The District will report any violations of the Code of Conduct which constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

STUDENT SUSPENSION PROCESS

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- Exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or
- Is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

Disciplinary action, when necessary, will be firm, fair and consistent so as to be 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.

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of 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 behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

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A. Penalties

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

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
4. Detention – teachers, Principal, Superintendent
5. Suspension from transportation – Director of Transportation, Principal, Superintendent
6. Suspension from athletic participation – coaches, Principal, Superintendent
7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Removal from classroom by teacher – teachers, Principal
11. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
12. Long-term (more than five days) suspension from school – Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

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 is no parental objection to the penalty and the student has appropriate transportation home 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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from

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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 will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular 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. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

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

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

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

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed

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and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established disciplinary removal form and meet with the Principal or 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 parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the 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 parent. 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 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/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. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of

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students from his/her class. The Principal must keep a log of all removals of students from class.

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

6. Suspension from School

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

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

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short term (five 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, 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 the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her

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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 **ten (10)** business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent 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, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **thirty (30)** days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The

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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 in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing a weapon on school property

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

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

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

D. Referrals

1. Counseling

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

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2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders

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

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

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

Hearing Procedures

A. Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice. If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

B. The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal; or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

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At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s) that:

- The District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- The student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- The District has the burden of proving the charges by a preponderance of the credible evidence;
- A transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- The hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties that:

- The case will proceed by having the District present its evidence through witnesses and other evidence first;
- The District's witnesses shall be subject to cross-examination by the student's representative; and
- The student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

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C. Alternative Instruction

Pursuant to the Education Law, no student who is of compulsory school age shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

D. Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination may be appealed to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

E. Off-Campus Misconduct

A student may be subject to discipline for conduct constituting a crime or other conduct which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education reasonably foresees that the continued attendance in school of the student will adversely affect the educative process (e.g., materially disrupts the operation of the school) or that such attendance would constitute an endangerment to the health, safety, welfare or morals of the student and/or others in our schools.

F. Attendance at BOCES Programs

A student in the South Orangetown Central School District who attends a BOCES program and who violates the Code of Conduct will be subject to discipline in the same manner as a student attending school in the District's schools. A student who is suspended from the South Orangetown Central School District on a given day may also be ineligible to attend BOCES classes, at the discretion of the Superintendent or his/her designee.

G. Dress and Grooming

Students are expected to dress and groom themselves in an appropriate manner. The responsibility for the dress and appearance of students shall rest with the individual student and his/her parents. Students and their parents have the right to determine how the student shall dress, provided that the attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process and does not infringe upon the rights of others. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and home and careers skills classes. While students participating in

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physical education classes may be required to wear certain types of clothing, such as sneakers, socks, shorts and tee shirts, they may not be required to purchase or wear a specified brand.

Student, faculty or parent groups may recommend appropriate dress for school or special occasions. However, 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.

The following are considered to be inappropriate dress, grooming, and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane, or which exposes to sight the private parts of the body (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages the other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- The wearing of hats in the classroom (unless worn for religious or medical reasons);
- Any dress or appearance, which constitutes a disruption to the educational process.

H. Computer and Internet Use

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mails or other electronic communications created by a student or another individual at a student's request, which originates from an off-campus computer or site and which is received at the school premises or by one or more District students or staff members at their homes or other off-campus sites which conveys threats of violence to a specific individual or individuals or to the school district may give rise to disciplinary action against such student. Inappropriate use include, but is not limited to, the following:
 - is lewd, vulgar, obscene, indecent, or inappropriate for student recipients of certain ages;
 - conveys a threat of violence, including sexual violence, to a specific individual or individuals, bullying, slander, gossip
 - constitutes a state and/or federal crime;
 - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
 - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

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In addition to the above, the following are examples of unacceptable use of District technology:

1. Students may not bypass or attempt to bypass the South Orangetown Central School District filtering software.
2. Do not swear, use vulgarities, or any other inappropriate language in any messages or web pages.
3. Participating in “cyber bullying” such as personal attacks and/or threats on/against anyone including being impolite.
4. Using the network/Internet for any illegal activity, including violation of copyright or other contracts or transmitting any material in violation of any federal, state or local law.
5. Sending, receiving, viewing, or downloading illegal material via the South Orangetown CSD computer system.
6. Unauthorized downloading or installing of software to any South Orangetown CSD electronic devices.
7. Using the computer system for private, financial or commercial gain.
8. Wastefully using resources, such as bandwidth, file space, paper, and ink/toner.
9. Gaining unauthorized access to district resources or entities.
10. Posting material authored or created by another without his or her consent.
11. Using the computer system for commercial or private advertising.
12. Submitting, posting, publishing or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
13. Using the computer system while access privileges are suspended or revoked.
14. Vandalizing the computer system, including, but not limited to, modifying or rearranging keyboards, individual key caps, or any other peripheral equipment, or destroying data by creating or spreading viruses and/or by any other means.
15. Forging, intercepting, or interfering with electronic mail messages.
16. Posting personal contact information about oneself or others including, without limitation, name, address, telephone, school/work address, without the prior written approval of the school principal or other designee.
17. Accessing or attempting to access instant messages, non-educational chat rooms, forums that are not school-related, private e-mail, message boards, blogs or wikis that are not school-related, or host personal web pages. Exceptions to this shall only include school-approved, teacher-supervised, filtered, archived Internet communication that occurs during the instructional day.
18. Failing to respect the South Orangetown Central School District computer system’s resource limits.
19. Use of the computer system concurrent with a violation of the code of conduct or violation of any rule or regulation of the school or school system.

I. Cell Phones, Camera Phones and Electronic Communications Devices

Cell phones, cam-phones and any other electronic communications device must be kept out of sight and turned-off by students during the hours of the student instructional day, except when used with the teacher’s prior permission for purposes of calendaring, calculating, noting assignments and other approved educational purposes.

J. Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student’s parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent’s designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

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K. Suspension from Extra-Curricular and Co-Curricular Activities, and School Functions

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/ guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct, which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends). These events or activities may include participation in graduation ceremonies and other school-sponsored activities, including but not limited to senior trip and the prom.

L. Student Searches and Interrogations

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and illegal objects taken on school grounds, in a school district vehicle, in a school building or at a school function by an administrator only when such employee has a reasonable suspicion to believe the student is engaging in prohibited activity which is in violation of District's code of conduct and/or is illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

1. The age of the student
2. The student's record and past history
3. The predominance and seriousness of the problem in the school where the search is directed
4. The urgency to conduct the search without delay; and
5. The probative value and reliability of information used as justification for the search.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for an administrator to frisk that student.

Lockers and Other Student Storage Spaces

Lockers and other student storage spaces, such as desks and gym lockers, are provided by the school for student use and the administration has the right to search these spaces. A student may have exclusive use of a locker or other storage spaces as far as other students are concerned but he/she does not have such exclusivity over the locker or other storage spaces as against the school authorities.

Automobiles and Other Vehicles

The right to bring a vehicle on any school campus or property is a privilege, not a right, and that privilege is extended on the understanding that any form of transportation brought onto school property by a student is subject to a search when the school district has reasonable suspicion to believe the vehicle is being used to transport illegal substances or other contraband.

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Questioning of Students by School Officials

School officials have the right to question students regarding any violation of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct, which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action, which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials. School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give the so-called AMiranda warnings (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students. If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with

School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

A cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the safety and security of the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student=s arrest (or removal) or the questioning of students concerns a crime committed on school property. If the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

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DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional

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behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same

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duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

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In addition, school personnel may not suspend or remove a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

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If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent,

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Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in

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placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

§504/ADA Disability

For a student solely with a disability under §504 of the Rehabilitation Act of 1973 (hereinafter referred to as "§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 discipline shall be imposed and the record of discipline imposed to date shall be expunged.
2. If no nexus is found, yet nonetheless 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 currently 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, provided that same students are currently engaged in the illegal use of drugs or use of alcohol.

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

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting ("IAES") for up to 45 school days (less if the discipline 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 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 at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an educational 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 that a student is "dangerous" 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 45 school days in accordance with 8 NYCRR §201.8 and 201.11.

1. The Manifestation Team must still conduct a manifestation determination within 10 consecutive

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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 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.

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 curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Pendency Placement

An IAES shall be deemed the student's "stay put" placement for up to 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 an 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.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other

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programs and activities, whether or not conducted on school premises.

PROHIBITED CONDUCT

No person, either singly or in concert with others, shall:

- willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do, or to do any act which s/he has a lawful right not to do;
- intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- physically restrain or detain any other person, or remove such person from any place where s/he is authorized to remain;
- willfully damage property;
- without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- without authorization, remain in any building or facility after it is normally closed;
- refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- damage or destroy property of the District or under its jurisdiction, or remove or use such obstruct the free movement of persons and vehicles in any place to which these rules apply;
- deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person; and/or
- willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

PENALTIES AND PROCEDURES

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.
- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the Student Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the Civil Service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

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ENFORCEMENT PROGRAM

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and s/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

Note: The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. They shall also be given an opportunity to be heard on complaints and grievances they may have.

A student filing a complaint or grievance alleging that there is an action affecting them which is prohibited by Title IX and/or Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with information regarding the prompt and equitable resolution of the complaint or grievance. Furthermore, a student shall have the right to present complaints and grievances in accordance with the procedure free from coercion, interference, restraint, discrimination or reprisal.

Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

THIS CODE AND THE PENALTIES SET FORTH HEREIN ARE NOT CONSIDERED TO BE INCLUSIVE OR TO PRECLUDE IN ANY WAY THE PROSECUTION AND CONVICTION OF ANY PERSON FOR THE VIOLATION OF ANY FEDERAL OR STATE LAW OR LOCAL ORDINANCE AND THE IMPOSITION OF A FINE OR PENALTY PROVIDED FOR THEREIN.

ref: Board of Education Policies: 5300.50 Discipline of Students with Disabilities

Revised & Adopted: July 1, 2011