

# CODE OF CONDUCT

Plainview-Old Bethpage C.S.D.

IMPLEMENTING  
PROJECT S.A.V.E.

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| Code of Conduct – Plainview-Old Bethpage C.S.D |
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## Table of Contents

|  |    |
|--|----|
| I. Introduction .....                                    | 4  |
| II. Definitions .....                                    | 4  |
| III. Student Rights and Responsibilities .....           | 5  |
| IV. Essential Partners .....                             | 6  |
| V. Student Dress Code .....                              | 8  |
| VI. Prohibited Student Conduct .....                     | 9  |
| VII. Reporting Violations .....                          | 12 |
| VIII. Disciplinary Procedures, Penalties & Referrals ... | 13 |
| IX. Alternative Instruction .....                        | 19 |
| X. Discipline of Students with Disabilities .....        | 19 |
| XI. Visitors to Schools .....                            | 24 |
| XII. Public Conduct on School Property .....             | 25 |
| XIII. Publication, Distribution and Review .....         | 26 |

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|---|
| Code of Conduct – Plainview-Old Bethpage C.S.D. |
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## Code of Conduct

### I. Introduction

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

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

In accordance with the Dignity for All Students Act and the District’s Dignity for All Students Act Policy 7580 and Regulation 7580R, students have a right to be free from harassment, bullying, including cyberbullying and/or discrimination, including but not limited to harassment, bullying, including cyberbullying and/or discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, by school employees or students on school property, at a school function and/or off school property where such harassment, bullying, including cyberbullying and/or discrimination creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, at school functions, or off school property where such conduct creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

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

### II. Definitions

For purposes of this Code, the definitions set forth in the District’s Dignity for All Students’ Act Policy 7580 and Regulation 7580R, and New York Education Law Article 2, Section 100.2(1) (2) of the Commissioner’s Regulations, the following definitions apply.

“Controlled Substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

“Synthetic Cannabinoids” are herbs sprayed with chemicals called “synthetic cannabinoids” and other similar chemical agents used in the same manner as controlled substances. These products include, but are not limited to, “Spice”, “K2”, “Cloud 9”, “Black 9”, “Bath salts” and/or “substituted cathinones”.

“Cyberbullying” means harassment or bullying, as defined in this Code, the District’s Dignity for All Student Act Policy 7580 and Regulation 7580R and New York Education Law § 11(7), where such harassment or bullying

occurs through any form of electronic communication. Since “cyberbullying” is a form of bullying, the term “bullying” where used in this Code will implicitly include cyberbullying even if not explicitly stated.

“Disruptive student” means an elementary or secondary student under the age of 22 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Discrimination” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Harassment or “Bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that

- a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- d. takes place off school property as set forth in section (e) (iii) below.
- e. Such definition shall include acts of harassment, bullying and/or discrimination that occur:
  - i. On school property;
  - ii. At a school function;
  - iii. Off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct threats, intimidation or abuse might reach school property. where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.
- f. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.
- g. Acts of harassment or bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- h. “Emotional harm” within the context of harassment or bullying means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to reasonably and substantially interfere with a student’s education.
- i. Since “cyberbullying” is a form of bullying, the term “bullying” as used in this Code will implicitly include cyberbullying even if it is not explicitly stated.

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

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or assigned at birth.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of or a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142 as defined in Vehicle and Traffic Law Section 142 (Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities);

“School function” means any school-sponsored extracurricular event or activity.

“Violent student” means a student under the age of 22 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee, student or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys any item or property belonging to the school district.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, pellet gun, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

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

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

1. In accordance with the Dignity for All Students Act, the District’s Dignity for All Student Act Policy 7580 and Regulation 7580R, be free from harassment, bullying, including cyberbullying, and/or discrimination by school employees or students including but not limited to harassment, bullying, including cyberbullying, and/or discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.
2. The opportunity to take part in all district activities free from harassment, bullying, including cyberbullying, and/or discrimination by school employees or students including but not limited to harassment, bullying, including cyberbullying, and/or discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of a penalty.
4. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
5. Nothing herein shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit,

as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

## **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning, show respect to other persons and to property, and refrain from any act of harassment, bullying, including cyberbullying, and/or discrimination including but not limited to any act of harassment, bullying, including cyberbullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control and manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship, and comply with this Code of Conduct and district policies and rules dealing with student conduct.
12. Tell a responsible adult if one hears that another student is going to cause or has caused harm to others.

## **IV. Essential Partners**

The School District recognizes that the education of children is a joint responsibility of the parents and the school community. In addition, the district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, empathy, honesty and integrity. Our objective is to provide all students with the opportunity to grow intelligently, ethically, emotionally and physically.

### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child (ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.

9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Communicate with school district staff in a courteous and respectful manner.

## **B. Teachers**

All district teachers are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know and comply with school policies, regulations and rules, and enforce them in a fair and lawful manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of discrimination, bullying or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address biases that may prevent non-discriminatory treatment of all students in the school or classroom setting.
11. Communicate in a professional, courteous and respectful manner.
12. In accordance with the District's Dignity for All Students Act Policy 7580 and Regulation 7580R and Section VIII of this Code of Conduct, report to the Principal in a timely manner incidents of harassment, bullying, including cyberbullying and/or discrimination that are witnessed or reported to the teacher.

## **C. Pupil Personnel Staff**

All district pupil personnel staff are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.

2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Review with students their educational progress and career plans as per their job description.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning as per their job description.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces in conformity with the Taylor Law.
10. Address issues of bullying, discrimination or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address biases that may prevent or non-discriminatory treatment of all students.
12. Know and comply with school policies, regulations and rules and enforce them in a fair manner.
13. In accordance with the District's Dignity for All Students Act Policy 7580 and Regulation 7580R and Section VIII of this Code of Conduct, report to the Principal in a timely manner incidents of harassment, bullying, including cyberbullying and/or discrimination that are witnessed by or reported to him or her.

#### **D. Coaches/Advisors**

**All district coaches and advisors are expected to:**

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.
2. Be prepared to instruct and supervise.
3. Demonstrate interest in their sport/activity.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students, parents and other teachers or school personnel concerning growth and achievement.
6. Inform administration of any potentially dangerous situation.
7. Address issues and situations of discrimination, harassment and bullying or any issue or situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. In accordance with the District's Dignity for All Students Act Policy 7580 and Regulation 7580R and Section VIII of this Code, report to the Principal in a timely manner incidents of harassment, bullying, including cyberbullying, and/or discrimination against a student that are witnessed or reported to the coach's or advisor's.
9. Address biases that may prevent non-discriminatory treatment of all students in the school or classroom setting.

#### **E. Support Staff**

**All district support staff is expected to:**

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national

origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.

2. Demonstrate interest in their responsibilities and concern for student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Communicate with building personnel regarding problem situations.
5. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
6. Inform administration of any potentially dangerous situation.
7. Address issues and situations of discrimination, harassment and bullying or any issue or situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. In accordance with the District's Dignity for All Students Act Policy 7580 and Regulation 7580R and Section VIII of this code, report to the Principal in a timely manner incidents of harassment, bullying, including cyberbullying, and/or discrimination against a student that are witnessed by the staff member or reported to the staff member. .
9. Address biases that may prevent non-discriminatory treatment of all students in the school or classroom setting.
10. In accordance with the District's Dignity for All Students Act Policy 7580 and Regulation 7580R and Section VIII of this Code, report to the Principal in a timely manner incidents of harassment, bullying, including cyberbullying, and/or discrimination against a student that are witnessed or reported to the coach's or advisor's.

## **F. Administrators**

### **All district administrators are expected to:**

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580 which will strengthen student self concept and promote confidence to learn.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress or grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development in the code of conduct, when called upon. Disseminate the code of conduct and anti-bullying and anti-harassment policies.
7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of discrimination, harassment or bullying or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address biases that may prevent non-discriminatory treatment of all students and staff.
11. Know and comply with school policies, regulations and rules and enforce them in a fair manner.
12. Comply with reporting and investigation requirements for acts of harassment, bullying, including cyberbullying, and/or discrimination against students set forth in the District's Dignity for All Students

Act Policy 7580 and Regulation 7580R and Section VIII of this Code and address issues and situations of harassment, bullying, including cyberbullying, and/or discrimination or any issue or situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

## **G. Superintendent**

1. Maintain and encourage a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of discrimination or harassment or bullying or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address biases that may prevent treatment of all students and staff.
10. Know and comply with school policies, regulations and rules and enforce them in a fair manner, including but not limited to the District's Dignity for All Students Act Policy 7580 and Regulation 7580.

## **H. Board of Education**

1. Promote and encourage a safe, orderly and stimulating school environment, supporting active teaching and learning for all students and a climate of mutual respect and dignity for all students that is free from harassment, bullying, and/or discrimination including but not limited to harassment, bullying, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex in accordance with the Dignity for All Students Act and the Districts Dignity for All Student's Act Policy 7580 and Regulation 7580R which will strengthen student self concept and promote confidence to learn.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of discrimination or bullying or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function'
8. Address biases that may prevent non-discriminatory treatment of all students and staff.
9. Know and comply with school policies, regulations and rule and enforce them in a fair manner.

## V. Student Dress Code

The Plainview-Old Bethpage School District Dress Code expresses our commitment to learning, safety, high standards, freedom of expression, and appropriate, responsible dress for school and school functions. Attention to appearance is a reflection of care and concern for our students and our community. We have established these standards to create an atmosphere of self-respect and respect for others. It is the responsibility of our school system to prepare students for the world of work, which requires appropriate dress.

This code is designed to be a guide and is by no means all-inclusive. Final decisions concerning appropriateness of dress will be made by the building administrator.

Students in Grades K-12 shall not wear the following:

1. Any clothing or apparel which
  - Is considered unsafe, dangerous or a health hazard;
  - Contains offensive or obscene symbols, signs, slogans or contains words denigrating, harassing, bullying and/or discriminating against any person, including any person's actual or perceived race, color, weight, religious practice, ethnic group, religion, national origin, disability, gender, sex or sexual orientation;
  - Contains language or symbols promoting or endorsing violence, sex, drugs, alcohol, tobacco or vandalism.
  
2. Any attire or grooming disruptive to the instructional process which may include, but is not limited to:
  - Revealing clothing i.e. bare midriffs, backless tops, tube tops, clothes insufficient to conceal undergarments, short shorts, short skirts, and transparent clothing;
  - Bare feet;
  - Opaque sunglasses;
  - Chains, dog collars, hanging chains;
  - Any combinations of clothing or jewelry which law enforcement agencies currently consider gang-related. (These may change.)

Exceptions to the Dress Code necessitated by religious practice will be considered individually by the building administrator.

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

Provisions of the Dress Code are applicable at all times within the school building and during all school activities. Exception or modification of a provision of the dress code may be authorized by the building principal for a specific school-related activity on a single event basis.

## VI. Prohibited Student Conduct

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are

expected to use disciplinary action only when necessary and to place emphasis on educating students so that the students may grow in self-discipline.

The board recognizes the need to make its expectations specific and clear for student conduct while on school property, at a school function, or off school property where such conduct creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior or students who violate this Code of Conducts school policies and rules and/or violate Federal, New York State, or Nassau County law will be required to accept the consequences for their conduct which may include disciplinary penalties.

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 act that disrupts the normal operation of or interferes with the school community or the school environment.
6. Any act of harassment, bullying, including cyberbullying and/or discrimination including but not limited to harassment, bullying, including cyberbullying and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
7. 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.
8. Computer/electronic communications misuse, including any unauthorized use of District computers, software, or Internet/intranet account; or any other violation of the district's acceptable use policy and guidelines, e.g. sharing of personal passwords or accessing unauthorized web sites or any violation of the District's Dignity for All Students Act Policy 7580 and Regulation 7580R.

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. Unauthorized absence from assigned detention.
4. Unauthorized leaving from school grounds.
5. Lying to school personnel and/or making false statements to school personnel during the course of an investigation.

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 or activity.
3. Engage in any act or conduct that substantially disrupts or interferes with the normal operation of the school community or the school environment.

D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:

1. Committing an act of violence, attempting to commit an act of violence and/or threatening to commit an act of violence (including but not limited to hitting, kicking,

- punching, spitting or scratching) upon a teacher, administrator or other school officer, agent, or employee.
2. Committing an act of violence, attempting to commit an act of violence and/or threatening to commit an act of violence (including but not limited to hitting, kicking, spitting, punching, or scratching) upon another student or any other person lawfully on school property.
  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. Using a weapon.
  7. 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.
  8. Intentionally damaging or destroying school district property.
  9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (where such conduct creates or would foreseeably create a risk of substantial disruption within the school environment.
- E. Engage in any on or off-campus conduct that endangers the safety, morals, physical or mental health, and welfare of others or substantially disrupts or interferes with the educational process or school environment. Examples of such conduct include but are not limited to:
1. Lying to school personnel and/or making false statements to school personnel during the course of an investigation.
  2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or at a school function.
  3. Subjecting other students, school personnel, officers or agents or any person lawfully on school property or at a school function to danger by recklessly engaging in conduct that creates a substantial risk of injury and/or cause such injury.
  4. 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.
  5. Discrimination, which includes discrimination against any student by a student or students and/or employee and/or employees on school property or at a school function including, but not limited to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex as a basis to deny rights, equitable treatment or access available to others.
  6. Any act of harassment, bullying, including cyberbullying and/or discrimination including but not limited to harassment, bullying, including cyberbullying and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
  7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  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 or possessing obscene material.
  10. Using vulgar or abusive language, cursing, spitting or swearing.
  11. Smoking a cigarette, e-cigarette, cigar, pipe or using chewing or smokeless tobacco.

12. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either, or possessing, selling, exchanging or distributing drug paraphernalia.  
“Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, synthetic cannabinoids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs” which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
  13. Possessing, using, consuming or distributing, selling, sharing prescriptions and/or over-the-counter drugs.
  14. Inappropriately possessing, consuming, sharing, selling, using, distributing, and/or exchanging controlled substances, and/or synthetic cannabinoids.
  15. Gambling.
  16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  17. Initiating a report or warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  18. Sexual Harassment as defined by Board Policy 7531.
  19. Cyberbullying.
  20. Threatening, hazing, and harassing officers or agents, students or school personnel over the internet, telephone or by any other means of electronic communication.
  21. Using message boards, and/or social/electronic media, to convey threats, derogatory comments or post pornographic pictures of students or school personnel, officers or agents. Electronically sending, receiving or forwarding sexually suggestive, nude or nearly nude photos through text message or e-mail such conduct creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct might reach school property.
  22. Verbal, written or graphic statements, communications, expressions or illustrations that are threatening to person or property.
- 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 and in compliance with the Code of Conduct and all district policies, regulations and rules including but not limited to the District’s Dignity for All Students Act Policy 7580 and Regulation 7580R. Excessive noise, pushing, shoving and fighting will not be tolerated. Engaging in insubordinate, disruptive or violent conduct or using inappropriate language is prohibited.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
  2. Cheating.
  3. Altering records.
  4. Assisting another student in any of the above actions.
  5. Violation of the District’s Acceptable Use Policy and Guidelines.

## VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student or any individual on school property

possessing a weapon, alcohol or illegal substance or any other substance prohibited by this Code of Conduct on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

In order for the District to effectively enforce the District's Dignity for All Student's Act Policy 7580 and Regulation 7580R, it is essential that all victims and persons with knowledge of harassment, bullying, and/or cyberbullying or similar behavior report it immediately in accordance with Dignity for All Student's Act Policy 7580 and Regulation 7580R.

School employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, must promptly orally notify the Principal, not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and must file a written report with the Principal not later than two school days after making such oral report.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral to law enforcement authorities.

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

In order for the Board of Education to effectively enforce the Anti-Bullying and Harassment Policy #7580 and to take prompt corrective measures when the policy is violated, it is essential that reports be made in accordance with that policy.

## **VIII. Disciplinary Consequences**

### **Procedures and Referrals**

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

The District is committed to the creation and maintenance of a positive learning environment, and will implement measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students against students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the offending student's behavior, the developmental age of the offending student, the offending student's history of problem behaviors, the impact the offending student's behaviors had on other individual(s), and any extenuating circumstances and are consistent with the District's Code of Conduct. Such remedies and procedures include but are not limited to:

1. Corrective instruction
2. Supportive intervention
3. Behavioral assessment or evaluation
4. Behavioral management plans, with benchmarks that are closely monitored

5. Student counseling and parent conferences
6. Individual focused remedial responses
7. School wide or environmental remediation strategies
8. Disciplinary action

Disciplinary action, included but not limited to disciplinary action for acts of harassment, bullying, including cyberbullying, and/or discrimination, when imposed, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences 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. Consequences**

Students who are found to have violated the district's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, 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, athletic director, 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. Removal from a specific social event or extracurricular activity - club advisor, activity director, principal, superintendent.
8. Suspension from social or extracurricular activities – principal, superintendent
9. Suspension of other privileges – principal, superintendent
10. In-school suspension – principal, superintendent
11. Removal from classroom by teacher – teachers, principal
12. Short-term (five days or less) suspension from school – principal, superintendent, board of education
13. Long-term (more than five days) suspension from school –superintendent, Board of Education
14. Permanent suspension from school – superintendent, board of education.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the

penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed.

These additional rights are explained below.

### 1. Detention

Teachers, principals and the superintendent may use after school detention as a consequence 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 school bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the transportation director, building principal or the superintendent or his/her designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

### 3. Suspension from athletic participation, extra curricular activities and other privileges

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

#### In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

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.

### 3. 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 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 or referred to the principal. The teacher in the presence of the principal 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 1 school day.

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 assistant principal on the next school day.

Within 1 school day after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from 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 1 school day of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference to be held during the school day.

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 2 school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law, including the district's code of conduct.
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

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

Any 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.

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, unless the child poses an immediate danger to health, safety and welfare of others.

#### 4. 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 building 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 (5 days or less) suspension from school when the superintendent, or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated

to assure receipt of the notice within 1 school day 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 establishes. 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 decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances preclude them from doing so.

The superintendent or his/her designee 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 30 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the New York Commissioner of Education within 30 days of the decision.

- b. Long-term (more than 5 days) suspension from school When the superintendent, or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent or his/her designee may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 30 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner 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 pursuant to Education Law §3214.

### C. Minimum Periods of Suspension

#### 1. Students who bring a weapon to school

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

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

#### 2. Students who commit violent acts other than bringing a weapon to school

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

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

Any student, 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. 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 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.

## **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. Students with disabilities will be provided appropriate education in accordance with federal and state laws and regulations.

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

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. In any instance where this Code of Conduct differs or is inconsistent with federal or state law or regulation, the federal or state law or regulation is controlling.

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

1. For purposes of this section of the Code of Conduct, the following definitions apply. A “suspension” means a suspension pursuant to Education Law § 3214. A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IAES” means a temporary educational placement for a period of up to 45 school days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s Individualized Education Program (“IEP”).

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to or at school, on school premises or to a school function, 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, or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.
    - 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
    - 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
    - 4) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

2. The Manifestation Team consisting of relevant members of the district's CSE shall conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, controlled substances or serious bodily injury or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed

to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.
  - 3) the parent of the student has not allowed an evaluation of the student pursuant to federal and state statutory and regulatory criteria, or
  - 4) the parent of the student has refused special education services

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

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

4. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to

such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the Manifestation Team has determined that the behavior is not a manifestation of the student's disability.

8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - c. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, ~~or~~ controlled substances or serious bodily injury, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 1) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

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

## **XI. Visitors to the Schools**

The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the security desk or office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building. The District reserves the right to ask for photo identification.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
5. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XII. Public Conduct on School Property**

The district is committed to providing an orderly, respectful supportive environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others. However, nothing herein shall be deemed to create an open forum or a limited open forum.

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

All persons on school property are expected to act in a courteous and respectful manner.

### **A. Prohibited Conduct**

No person, either alone or with others, shall violate any federal or state statute, or regulation, local ordinance or board policy while on school property or while at a school function, or:

1. Intentionally injure any person or threaten to do so.

2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, this includes graffiti and arson.
3. Disrupt the school environment or the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal drug use, or obstruct the rights of others.
5. Harass, bully, and/or discriminate against any person including but not limited to harass, bully and/or discriminate on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, (including gender identity and expression) sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain without authorization in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled or illegal substances, synthetic cannabinoids or be under the influence of such beverages or substances either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Smoke cigarettes, cigars or pipes.
14. Use obscene, vulgar or abusive language.
15. Bully, harass, threaten or intimidate any individual lawfully on school property.

## B. Consequences

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action in accordance with Education Law §3020- a.
4. Staff members in the classified service of the civil service shall be subject to disciplinary action in accordance with Civil Service Law §75.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal in accordance with any legal rights they may have.

*Note:*

Students:

However the prohibitions and penalties set forth in this section shall not be construed to prohibit the lawful and orderly demonstration of freedom of speech, freedom of association or academic freedom of students. It is understood that to do so would negatively impact the learning experience for students as they mature and take their place as adults in our democratic society. However, nothing herein shall be deemed to create an open forum or a limited open forum.

Staff:

Therefore, the prohibitions and consequences set forth in this section shall not be applied to employees of the district in a manner that abridges or restrains their freedom of expression, right to free association, or academic freedom. However, nothing herein shall be deemed to create an open forum or a limited open forum.

### **C. Enforcement**

The Superintendent or his or her designee shall be responsible for enforcing the conduct required by this Code. When the superintendent or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the superintendent or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The superintendent or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the superintendent or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **XIII. Dissemination and Review**

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

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

1. Providing copies of an age-appropriate, written in plain language, a summary of the Code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

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

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

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

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

See attached sheet for list of Dignity Act Coordinators.

**DIGNITY ACT COORDINATORS**

**DAC**

Suzanne Gray  
 Greg Scesney  
 Karen Heitner  
 Alison Clark  
 Joseph Coladonato  
 Alice Bowman  
 James Murray

**SCHOOL**

Old Bethpage Elementary  
 Parkway Elementary  
 Pasadena Elementary  
 Stratford Road Elementary  
 Mattlin Middle School  
 Plainview-Old Bethpage MS  
 J.F.Kennedy High School

**PHO**

(516) 434-3419  
 (516) 434-3358  
 (516) 434-3451  
 (516) 434-3389  
 (516) 434-3250  
 (516) 434-3308  
 (516) 434-3125

Updated: 9/30/13  
 Updated: 4/10/14  
 Updated new principals: 9/11/14  
 Updated new principals: 7/30/15  
 Updated new principals 7/20/16