



STUDENT LEARNING IS THE GOAL

# GREECE CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

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# Code of Conduct

## I. Introduction

The Greece Central School District's Board of Education ("Board") is committed to providing a safe, healthy, orderly and civil school environment where students may receive quality educational services and District personnel may deliver these services without disruption or interference. Responsible behavior by students, District personnel, parents/guardians, and other visitors is essential to achieving this goal.

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

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

Unless otherwise indicated, this Code of Conduct applies to all students, District personnel, parents/guardians, and other visitors when on school property or attending a school event or activity, including sporting events.

## II. Definitions

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

- A. **"Disability"** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).
- B. **"Disruptive student"** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
- C. **"Employee"** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
- D. **"Gender"** means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).
- E. **"Parent"** means parent, guardian, or person in parental relation to a student.
- F. **"School property"** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Education

Law §11[1] and Vehicle and Traffic Law §142 or other District-provided transportation. “School property” may also include all property owned or leased by the District, and all property used by the District to conduct its programs, activities, sporting events or school functions (including those held at non-District schools).

- G. “School Bus”** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children 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 or the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- H. “School function”** means any school-sponsored extra-curricular event or activity.
- I. “Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
- J. “Violent student”** means a student under the age of 21 who:
  - 1. Commits an act of violence upon a school employee, or attempts to do so
  - 2. Commits or attempts to commit, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function
  - 3. Possesses a weapon while on school property or at a school function
  - 4. Displays, while on school property or at a school function, what appears to be a weapon
  - 5. Threatens, while on school property or at a school function, to use a weapon
  - 6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function
  - 7. Knowingly and intentionally damages or destroys school District property
- K. “Weapon”** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury. For purposes of this Code of Conduct, weapons are the following items, including, but not limited to:
  - 1. A firearm is defined in 18USC§921 for purposes of the Gun-Free Schools Act, as implemented by New York Education Law §3214 and New York Penal Law 265.01 as one that fires a projectile by the action of an explosive or any other gun, including, but not limited to a BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, paintball gun, stun gun, air gun, silencer, etc..
  - 2. Another “weapon” such as a chukka stick, billy club, blackjack, pilum ballistic knife, metal knuckle knife, cane sword, electronic dart gun, Kung Fu star, explosive or incendiary bomb, dagger, dirk, straight razor, stiletto, switchblade knife, gravity knife, or metal knuckles, a slingshot, pocket knife, Swiss Army knife, multi-purpose tool with blade, or other type of knife, box cutter, pepper spray or other noxious sprays.
  - 3. “Weapon” also means any other device, instrument, material, or substance that can cause physical injury or death-under the circumstances in which it is used, attempted to be used, or threatened to be used. This would also include matches or lighters when used, or attempted to be used, to injure another person.

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

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

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

1. Attend school and take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel

## **B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property
2. Use language that is appropriate for a school environment
3. Be familiar with and abide by all District policies, rules, and regulations dealing with student conduct
4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible
6. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner
7. Work to develop mechanisms to control their anger
8. Ask questions when they do not understand and seek help in solving problems that might lead to discipline
9. Dress appropriately for school and school functions (refer to Section V, Student Dress Code)
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

## **Dignity for All Students Act**

The intent of the Dignity for All Students Act (Dignity Act) is to provide all public school students with an environment free from discrimination and harassment, as well as to foster civility in public schools. It focuses on prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate. The Dignity Act states that NO student shall be subjected to harassment or discrimination by employees or students on school property (including school bus) or at a school function based on their actual or perceived (including, but not limited to) race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

The Dignity Act emphasizes the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the school community, including essential partners such as superintendents, school board members, parents, students, teachers, guidance

counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in its implementation.

**Dignity Act Age-Appropriate Language for Students:**

The Dignity for All Students Act makes sure students are learning how to get along, work together, and respect differences in schools that are safe and welcoming to all. Everybody in the school district has the rights and responsibilities. We all work together to ensure that we learn and behave appropriately in school. We use positive behavioral supports to make sure our school is a great place to be!

Students have rights in school. Students have the right to:

1. An equal chance to participate in school activities
2. Tell your side of the story if someone thinks you broke a school rule
3. Ask questions if you do not understand school rules
4. Learn in a safe environment where no one is mean to you or excludes you based on the color of your skin, the size of your body, where you come from, what you believe in, if you are a boy or a girl, how you dress, or who you are attracted to.

Students also have responsibilities. Students are responsible to:

1. Be Respectful To:
  - a. All others with your words and actions, including those who are different from you
  - b. The school environment
2. Be Responsible By:
  - a. Keeping our school safe so everyone can learn
  - b. Knowing and following all school rules
  - c. Asking questions and asking for help in solving problems
  - d. Dressing appropriately
  - e. Admitting when you make a mistake
3. Be Ready to Learn By:
  - a. Coming to school every day, on time, with materials
  - b. Trying your best and setting goals

## **IV. Essential Partners & Positive Behavioral Supports**

Parents, teachers, administrators, and all other District employees are essential partners in supporting student success and providing positive learning environments where students can achieve academically.

Schools in the district use positive behavioral supports to provide for a positive and productive learning environment and to teach/reinforce behaviors appropriate for school. Schools review data and site information to acknowledge positive behavior and provide interventions for inappropriate behaviors.

In order to best educate the students in Greece Central School District, it is essential to have a partnership with and full participation of students, parents/guardians, teachers, support staff, administrators, the superintendent, and the board of education. This partnership is essential to provide a strong foundation for learning in school.

**A. Parents/Guardians are expected to:**

1. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment
2. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community
3. Send their children to school ready to participate and learn
4. Ensure their children attend school regularly and on time
5. Ensure absences are excused by calling in their children's absences each day and sending in a written excuse the first day their child returns to school
6. Insist their children be dressed and groomed in a manner consistent with the student dress code (refer to Section V, Student Dress Code)
7. Reinforce with their children the expectation that inappropriate language does not belong in a school setting
8. Know school rules and help their children understand them
9. Convey to their children a supportive attitude toward education and the District
10. Help their child(ren) deal with peer pressure
11. Inform school officials and/or staff of changes in the home situation that may affect student conduct or performance
12. Partner with the school to support expectations of academic achievement and appropriate behavior in school and in the community
13. Support their child(ren) in acting in ways that maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**B. Teachers are expected to:**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Confront issues of discrimination and 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. Report and document as per policy and procedures.
3. Be prepared to teach
4. Demonstrate interest in teaching and concern for student achievement
5. Know school policies and rules, and enforce them in a fair and consistent manner
6. Reinforce with their students the expectation that inappropriate language does not belong in a school setting
7. Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
8. Communicate regularly with students, parents/guardians, and other teachers concerning growth, achievement, areas of concern and issues which need addressing

**C. School Counselors, Social Workers, and Psychologists are expected to:**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Confront issues of discrimination and 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. Report and document as per policy and procedures.
3. Assist students in coping with peer pressure and emerging personal, social, and emotional problems
4. Initiate conferences with primary stakeholders, as a way to resolve problems
5. Regularly review with students their educational progress and career plans
6. Provide information to assist students with career planning, goals for the future
7. Encourage students to benefit from the curriculum and extracurricular programs
8. Reinforce with students the expectation that inappropriate language does not belong in a school setting
9. Know school policies and rules, and enforce them in a fair and consistent manner

**D. Support Staff are expected to:**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn
2. Confront issues of discrimination and 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. Report and document violations as per policy and procedures.
3. Know school policies and rules, and help enforce them in a fair and consistent manner.
4. Inform school officials of knowledge of potential safety issues

**E. School and District Administrators are expected to:**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn
2. Confront issues of discrimination and 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. Report, respond, and document violations as per policy and procedures.
3. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning
4. Ensure that students and staff have the opportunity to communicate regularly with the school administration and approach the administration for redress of grievances
5. Evaluate on a regular basis all instructional programs
6. Support the development of and student participation in appropriate extracurricular activities
7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly



8. Set the expectation for all students and staff that inappropriate language will not be tolerated in school
9. Know school policies and rules, and enforce them in a fair and consistent manner

**E. Superintendent is expected to:**

1. Support a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn
2. Confront issues of discrimination and 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. Report and document violations as per policy and procedures.
3. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning
4. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management
5. Inform the Board about educational trends relating to student discipline
6. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
7. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly

**F. Board of Education is expected to:**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions
2. Adopt and review at least annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner
4. Support a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn
5. Confront issues of discrimination and 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. Report and document violations as per policy and procedures.
6. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations and will be accessible to students and other staff members for consultation and advice related to the Dignity Act.

## V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress in a manner that is appropriate for school and school-related functions. Student dress should reflect the notion that school is a place of business where students are learning both academic and social skills. Dress must not be disruptive to the instructional process. Dress code expectations are intended to promote an emotionally safe environment for all students. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. This code is applicable at all district schools, facilities, and grade levels.

### **A student's dress, grooming and appearance shall:**

- A. Be of a manner that is appropriate, safe, and does not disrupt the educational process.
- B. Clothing that is revealing is not appropriate. This includes articles such as tube tops, net tops, halter tops, spaghetti straps (of less than one-inch width), plunging necklines (front or back), muscle shirts, see-through garments, etc. Shirts must be of a length that cover cleavage and the midriff. Dresses, skirts and shorts must be of a length at or below the fingertips when arms are fully extended at the side (with shoulders relaxed).
- C. Insure that all underwear is completely covered at all times.
- D. Appropriate footwear must be worn at all times. Footwear that is a safety hazard will not be allowed.
- E. Outerwear (articles normally worn out of doors such as overcoats, trench coats, and hats or head coverings such as bandanas, scarves, doo-rags, etc.) may not be worn while in school. Outerwear of this type should be hung in lockers or designated areas upon arrival at school. It should remain there until dismissal. Garments with attached hoods (hoodies) may be worn but the hood portion may not be worn indoors. Hats or head coverings may be worn for bona fide religious or medical purposes, or for celebrating purposes when authorized by school principals (i.e., "Spirit Day," etc.).
- F. Clothing, jewelry, clothing attachments, or accessories that could be considered weapons such as spikes or chains are not permitted.
- G. Clothing, jewelry, or clothing accessories may not include items that are vulgar, obscene, libelous, or denigrate others on account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or age. Clothing containing lewd, vulgar or demeaning sexual references or innuendos is prohibited.
- H. Clothing, jewelry, or clothing accessories may not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal, violent, and/or gang-related activities.
- I. Electronic devices such as headsets, Ipods/MP3, and Bluetooth cannot be worn in the classroom or hallways during the instructional hours of the day. Exceptions may be authorized by the building principal or classroom teacher for instructional purposes.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Staff is expected to question student dress when necessary and ask the student to report to their grade level Assistant Principal or other designated administrative staff member as needed. Parents will be contacted to help ascertain the appropriate corrective action necessary.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. If needed, the parent or guardian will be required to provide appropriate clothing. Any student who refuses to modify their appearance shall be subject to discipline, 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.

## **VI. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel, and members of the school community. Students should also demonstrate proper care of school facilities, equipment and property.

Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. Any behavior which is prohibited under the Code of Conduct is also prohibited when performed using computers, the Internet, cell phones, telephones or other communications media when the communication originates or ends on District property or at any school function (for example, use of a cell phone to announce the time or location of a fight). The Code of Conduct also applies when the act/behavior disrupts or interferes with the educational process or poses a threat to the safety of any person lawfully on District property or at a school function as determined by District personnel.

With regard to weapons, in particular, it is the intention of the Board through this Code of Conduct to emphasize to students that the mere possession of weapons is inherently dangerous to everyone in the school environment and, therefore weapons must not be brought onto school property, or if discovered they must be turned into the school office immediately.

The rules of conduct listed below are intended to focus on safety and respect for the rights and property of others. Students who do not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

**Students may be subject to disciplinary action, up to and including suspension from school, when they:**

- A. Engage in conduct that is disorderly. Examples 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 on school/District property
5. Engaging in any willful act which disrupts the normal operation of the school community
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
8. Use of electronic devices during regular school hours without permission. These devices must be off and out of sight, or they will be confiscated with the exception of public safety emergencies. Exceptions may be authorized by the building principal or classroom teacher for instructional purposes. Upon a first offense of unauthorized use, the device will be confiscated and returned to the student at the end of the school day. Upon the second or successive offense, the device will only be returned to the parent.
9. Possession of a skateboard on school property

**B. Engage in conduct that is insubordinate. Examples 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. Refusing to show identification and/or refusing to give one's correct name to District employees upon request.
4. Skipping classes or detention

**C. Engage in conduct that is violent. Examples include (but are not limited to):**

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so
3. Possessing a weapon or weapon parts (bullets, shell casings, etc.). Authorized law enforcement officials are the only persons permitted to possess a weapon while on school property or at a school function
4. Displaying what appears to be a weapon
5. Threatening to use any weapon or brandishing what appears to be a weapon
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson
7. Intentionally damaging or destroying school District property
8. Threatening bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm.

**D. Engage in any conduct that endangers the safety, morals, health, or welfare of others. Examples include (but are not limited to):**

1. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function
2. 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
3. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, age, or sex as a basis for treating another in a negative manner.

4. *Harassment /Bullying means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse 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 or physical wellbeing; or conduct, verbal threats, intimidation or abuse that (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, (c) **reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs 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.** Acts of harassment and bullying shall include, but not be limited to, acts based on actual or perceived race, color, weight, national origin, ethnic group, relation, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats”, “intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7]). Specifically, bullying, which is purposeful, aggressive, negative repeated and unwelcomed harassment and/or attacks on others where there is an actual or perceived imbalance of power and can include behaviors such as physical violence, verbal taunts, name-calling and put-downs, or threats and intimidation.*
5. *Cyberbullying means harassment or bullying as defined in Section D (4) of this document, where such harassment occurs through any form through electronic communication. More specifically refer to Section G (1-4) below.*
6. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
7. Intimidation, which includes engaging in actions, threats, or statements that put an individual in fear of bodily harm. This would include bomb threats of any nature.
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. Inappropriate use of information and communication technologies such as email, cell phone and text messaging, instant messaging, defamatory personal Websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm or hurt others
10. Selling, using, or possessing obscene material
11. Using vulgar or abusive language, cursing or swearing
12. Smoking a cigarette, electronic cigarette, cigar, pipe or using chewing or smokeless tobacco
13. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to: inhalants, marijuana, synthetic cannabinoids (synthetic marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
14. Inappropriately using or sharing prescription and over-the-counter drugs
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher, etc.
17. Driving in an unsafe manner on school/District property
18. Gambling

**E. Engage in misconduct while on a school bus.**

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

**F. Engage in any form of academic misconduct. Examples include (but are not limited to):**

1. Plagiarism is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.
2. Cheating
3. Copying
4. Altering records
5. Assisting another student in any of the above actions

**G. Engage in cyber bullying. Examples include, (but are not limited to):**

Bullying/harassment of a person or persons through electronic/digital means/devices such as cell phones, text messaging, instant messaging, online forums, online blogs or web logs, websites, and/or other online, digital, or electronic social networking means, etc. such that the bullying or harassment to one or more others negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of those persons and/or others within or on school premises. (This can include posting or publishing video, audio recordings or pictures [written material, cell phones, Internet, YouTube, etc.] )

1. Denigration of another person either within/on/proximate to school premises through the use of electronic/digital means/devices, as referenced in #1, such that the denigration to one or more others negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of those persons and/or others within or on school premises.
2. Cyber stalking of another person within/on/proximate to school premises through the use of electronic/digital means/devices, as referenced in #1, such that the cyber stalking of one or more others negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of those persons and/or others within or on school premises.
3. Masquerading or pretending or assuming the identity of another person through the use of electronic/digital means/devices, as referenced in #1, such that the masquerading or pretending or assumption of another's identity negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of the person or persons whose identity has been assumed and/or others within or on school premises.
4. Trickery, which involves the use of subversive means to obtain information about another person or persons through the use of electronic/digital means/devices, as referenced in #1 and then publishing that information or making it publicly available through digital, electronic, or online means such that the outing and trickery and digital or online publishing of illicitly obtained information about another person or persons negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of those persons and/or others within or on school premises.
5. Counterfeiting, which involves the intentional and/or illicit changing or modification of one or more persons original online, digital, or other content and then publishing the

changed or modified content or making it publicly available through digital, electronic, or online means such that the counterfeiting and digital or online publishing of illicitly changed or modified content negatively impacts or endangers the personal behaviors, practices, outlooks, emotional wellbeing, in-school performance or activities, etc. of those persons and/or others within or on school premises.

## **VII. Student Driving Privileges**

Students who have a valid need to drive to school on either a regular or short-term basis must submit a completed application signed by a parent or guardian, and obtain a parking permit from their Assistant Principal. Driving to school is a privilege. In order for a student to maintain these privileges, he or she must:

- Possess a valid New York State driver's license
- Be properly insured in accordance with New York State requirements
- Display the student parking sticker as required
- Park only in the designated student parking areas, on school property
- Observe all rules and regulations for the safe operation of a motor vehicle including all posted speed limits

Parking space is limited. Failure to park in approved student parking areas may result in the towing of the student's vehicle from school premises at the owner's expense.

## **VIII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the building principal, or the principal's designee. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, or the superintendent.

All authorized District staff have the authority to investigate any alleged violation of above stated incidents including searches and interrogation (see Article XIII). Such searches may include the use of hand held breath test devices. 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. All staff members must report to the school principal any incident which might constitute a crime.

Any weapon, alcoholic or illegal substance found shall be confiscated immediately, if possible. The parent of the student involved should then be notified and appropriate disciplinary action taken, if warranted, which may include permanent suspension. All incidents involving possession, use and/or distribution of illegal substances, or weapons will be referred to the Police.

The building principal or his or her designee must notify the appropriate local law enforcement agency and the office of the Superintendent of those Code of Conduct violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **IX. Disciplinary Penalties, Procedures and Referrals**

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

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age
- The nature of the offense and the circumstances which led to the offense
- The student's prior disciplinary record
- The effectiveness of other forms of discipline
- Information from parents, teachers and/or others, as appropriate
- Other extenuating circumstances

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

Specifically, responses to discrimination and harassment of students by students and/or employees on school property, including school functions and on the school bus, shall include intervention and education focusing discipline on discerning and correcting the reasons why discrimination and harassment has occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. This may include but is not limited to:

- Corrective instruction, peer support groups, or other relevant learning or service experience
- Behavioral assessment or evaluation with the creation of behavioral management plans and closely monitored benchmarks
- Student counseling and parent conference, required student and parent education programs
- Progressive disciplinary actions including suspension from school and reassignments to an alternative education center

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.



## **A. Penalties**

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

1. Oral warning – any member of the District staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, assistant principals, principal, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, school counselors, teachers, assistant principal, principal, superintendent
4. Detention – teachers, assistant principals, principal, superintendent
5. Suspension from transportation – director of transportation, assistant principals, principal, superintendent
6. Suspension from athletic participation – coaches, athletic director, assistant principal, principal, superintendent
7. Suspension from social or extracurricular activities – activity director, assistant principal, principal, superintendent
8. Suspension of other privileges – assistant principals, principal, superintendent
9. Suspension or revocation of student's access to District computers and Internet connections – 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, assistant principals, principals, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the

suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

**4. In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for a classroom environment that is 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.

**5. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; or (3) sending a student to a school 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 of Conduct.

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 on-going 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. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

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

Within 24-hours after the student's removal, the principal or another District administrator designated by the principal must notify the student's 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.

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

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

- 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 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

#### **6. Suspension from school**

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

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

Upon receiving a recommendation/referral for suspension, or when processing a case for suspension, the principal or superintendent 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 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

witnesses under such procedures as the principal may have established. 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 precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board 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 10 business days of the date of the superintendent's decision, unless the parents/guardians 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.

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

For the safety of students and school staff, some behaviors call for a minimum period of suspension. The student and parent/guardian will be notified of the disciplinary action and given an opportunity for an informal conference for short-term suspensions or a hearing for long-term suspensions.

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

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

Any student found guilty of bringing a weapon onto school property, as defined by the federal Gun Free Schools Act of 1994 (20 USC §8921) or by Education Law §3214, 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/guardians, teachers, and/or others
- f. Other extenuating circumstances

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

Any student who is found to have committed a violent act, other than 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/guardians 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/guardians 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 of Conduct on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the

penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Referrals**

1. Counseling  
The Counseling Office shall handle all referrals of students to counseling and will work with site staff to refer families for support from social/human services, and outside agencies when necessary.
2. Person In Need of Supervision (PINS) Petitions  
The District may file a PINS petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
  - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school
  - c. Knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders
  - a. The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
    1. Any student under the age of 16 who is found to have brought a weapon to school, or
    2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
  - b. 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.

### **X. 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.

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

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

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

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

1. For purposes of this section of the Code of Conduct, the following definitions apply:
  - a. A **“suspension”** means a suspension pursuant to Education Law §3214.
  - b. 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.

- c. An “**IAES**” (Interim Alternative Educational Setting) means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal current educational placement as follows:
  - a. The Board, the Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - 1) “**Weapon**” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”
    - 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.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than 10 consecutive school days; or



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

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

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

- 1. The District's Committee on Special Education shall:
  - a. Conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review a behavioral intervention plan 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.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- 2. The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under Individuals with Disabilities Education Act (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/guardians of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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

3. The District shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents/guardians 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/guardians of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code of Conduct.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code of Conduct.

#### **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 of Conduct, if:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or

controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the District agree otherwise.

- 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents/guardians 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.

## **XII. Corporal Punishment**

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

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

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

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

## **XIII. Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, assistant principals, the school nurse, and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Searches will be conducted in the presence of two adults whenever possible.

### **A. Student Lockers, Desks, and other School Storage Places**

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

### **B. Strip Searches**

Under no circumstances will any school personnel conduct a strip search of any other person. For the purposes of this section, requiring the removal of an outer coat or jacket, or shoes and socks, shall not constitute a strip search. In the unlikely event that such a thorough search is warranted, the police should be summoned to the scene.

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

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

1. Name, age, and grade of student searched
2. Reasons for the search
3. Name of any informant(s)
4. Purpose of search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his or her title and position

7. Witnesses, if any, to the search
8. Time and location of search
9. Results of search (that is, what items(s) were found)
10. Disposition of items found
11. Time, manner, and results of parental notification

The building principal or the principal's designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

#### **D. Interrogation of Students Suspected of Possession or Consumption of Alcohol**

All authorized District staff have the authority to investigate the suspected consumption or use of alcohol or illegal substances on school property or at a school function. Such investigations may include (but are not limited to):

- Searching students lockers, desks, and other storage spaces
- Searching student clothing
- Questioning students
- Conducting prescreening tests (e.g. examining coordination, mannerisms, speech) and
- Using hand-held breathe test devices

#### **E. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been requested by school officials to investigate a reported or suspected crime.

When the police are investigating a reported or suspected crime on school grounds or at a school function, school officials should defer to the police officers concerning their questioning of students or searching of any student's person or property. School officials should defer to police judgment whether or not it is necessary to call any student's parents before questioning or searching the student, whether or not it is necessary to advise the student of any rights before questioning or searching, whether or not it is necessary to obtain a warrant before conducting a search, and whether or not it is necessary to advise parents before taking a student into custody. School officials should cooperate with police procedures to assist the successful investigation of the suspected crime, and not advise students of their rights or call parents without police consent. School officials should not advise parents that a student will be or is being questioned or searched by the police in connection with the investigation of a suspected crime in school until after the investigation has been completed or the student has been taken into police custody from school. Police questioning of students under sixteen considered as suspects should not be done without notifying the parents. However, the decision when and how to notify parents should be made by the police, not school officials. School officials are not authorized to give consent to police questioning of students under the age of 16 as required by section 305.2 of the Family Court Act.

## **F. Child Protective Services Investigations**

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

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

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **G. Searches of Student Vehicles:**

An authorized school official may search a student's unlocked vehicle on school grounds if the school official has reasonable suspicion to believe that the vehicle contains contraband in violation of the law or this Code of Conduct. A trunk is considered unlocked if the passenger compartment is unlocked and the trunk lid can be released from within the passenger compartment. If the vehicle is locked, the school official should ask the student to unlock the vehicle. If the student refuses to unlock the vehicle, the school official may either call the student's parent(s) for permission to open the vehicle or, if there is reasonable suspicion that the vehicle contains illegal contraband, call the police to determine whether or not they have grounds to search the vehicle, either with or without a warrant. If a student and/or a student's parent(s) refuse to open a locked vehicle to allow a search by school officials based on reasonable suspicion, or if they remove the vehicle from school grounds to avoid the search, the student's parking privileges may be suspended or revoked as a consequence.

## **H. District Computer Equipment/Websites/E-mail Used by Any Person**

No person using District faxes, computer equipment, software owned, leased or controlled by the District, or websites, e-mail or Internet access, etc. provided by the District has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the District. No user shall use District equipment to engage in extensive or abusive non-business or nonacademic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for District educational and business operations. The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access, etc. using School District equipment or on school property without prior notice or consent. Any use of such equipment or facilities which violates provisions of this Code of Conduct may result in both disciplinary action and denial of prospective use of such equipment and of Internet access.

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

The Board encourages parents/guardians and other District residents to visit the District's schools and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must report to the office of the principal (or other designated area) upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
- C. Visitors attending school functions that are open to the public, after the end of the school day such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Parents/guardians or residents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
- F. 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.
- G. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

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

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

The restrictions of public conduct on school property and at school functions contained in this Code of Conduct 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 of Conduct is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose of which they are on school property.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or destroy (including graffiti and arson) District property or the personal property of a teacher, administrator, other District employee, or any person lawfully on school property
3. Disrupt the orderly conduct of classes, school programs, or other school activities

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Use language that is inappropriate for a school community
6. Intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or age.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
8. Obstruct the free movement of any person in any place to which this Code of Conduct applies
9. Violate the traffic laws, parking regulations, or other restrictions on vehicles
10. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
11. 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
12. Loiter on or about school property
13. Gamble on school property or at school functions
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties
15. Willfully incite others to commit any of the acts prohibited by this Code of Conduct
16. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function
17. Possess a skateboard on school property

## **B. Penalties**

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

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

## **C. Enforcement**

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

When the building principal/designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal/designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal/designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's



conduct poses an immediate threat of injury to persons or property, the principal/designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the “Penalties” section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code of Conduct.

## **XVI. 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 abridged Code of Conduct to all students at the beginning of each school year
2. Making copies of the Code of Conduct available to all parents/guardians at the beginning of the school year
3. Mailing a summary of the Code of Conduct to all parents/guardians of District students before the beginning of the school year and making this summary available later upon request
4. Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired
6. Making copies of the Code of Conduct available for review by students, parents/guardians and other community members

The Board of Education will review this Code of Conduct and update it as necessary. The Board may appoint an advisory committee to assist in reviewing the Code of Conduct 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 of Conduct, the Board will hold at least one public hearing at which school personnel, parents/guardians, 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.