

I. Introduction

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. Further, the Board recognizes the importance of instruction on tolerance, respect for others, and dignity, including awareness and sensitivity to harassment, bullying, cyberbullying, discrimination, and civility. This includes, but is not limited to, actual or perceived differences in race, color, weight, national origin, ethnic group, religion, religious practice, mental or physical disability, socio-economic status, sexual orientation, gender, and sex. To this end, the Board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this Code applies to all students, school personnel, parents, volunteers, vendors, contractors, and visitors when on school property or attending a school function. This Code also applies to off-campus conduct that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct might reach school property.

II. Definitions

- **Disruptive student** means an elementary or secondary student under the age of 21 who substantially interferes with the educational process or with a teacher’s authority over a classroom.
- **District or school** mean the Bolivar-Richburg Central School District.
- **Parent** means the biological, adoptive, or foster parent, guardian, or person in parental relation to a student.
- **School Property** means in or within any building, structure, athletic playing field, playground, parking lot, grounds, land, or other real property utilized by the District

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as well as any moveable property that is either owned or leased by the District or under the District's control.

- **School bus** means every motor vehicle operated for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from school or a school function.
- **School function** means any school-related event or activity.
- **Controlled substance** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act.
- **Discrimination** means the practice of conferring or denying privileges based on a person's actual or perceived membership in a legally protected class such as race, color, weight, national origin, ethnic group, religion, religious practice, creed, disability, sexual orientation, gender, or sex.
- **Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, (b) a record of this type of impairment, or (c) a condition regarded by others as such an impairment, provided, however, that with respect to employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing the activities involved in the job or occupation sought or held in a reasonable manner.
- **Employee** means any person receiving compensation from the District. .
- **Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).
- **Harassment** and **bullying** mean creating a hostile environment by conduct, communication, threat, intimidation, or abuse, including cyberbullying, based on a person's membership in a protected class that are sufficiently severe, pervasive, or persistent that they: (a) have or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being, including conduct; (b) reasonably cause or would reasonably be expected to cause emotional harm; or (c) reasonably cause or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. This definition includes harassment or bullying that occur on school property, at a school function, or off school property where the acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, communication, threats, intimidation, or abuse might reach school property.

- **Gender** means actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones. It includes a person's gender identity or expression.
- **Illegal drugs** means a controlled substance, except for those legally possessed or used under the supervision of a licensed health-care professional or under any other authority in accordance with the Controlled Substances Act or any other federal law.
- **Off school conduct** means acts, communication, threats, intimidation, or abuse that occurs off school property that create or would foreseeably create a risk of substantial disruption within the school environment or that might reach school property.
- **Violent student** means any person enrolled as a student who:
 1. Commits an act of violence upon a school employee, or attempts to do so.
 2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
 3. Possesses, displays, or threatens to use a weapon or what appears to be a weapon while on school property or at a school function.
 4. 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.
 5. Knowingly and intentionally damages or destroys District property.
- **Visitor** means any person not enrolled in, employed by, or contracting with the District, who is on school property or attending a school function.
- **Weapon** means a firearm as defined in 18 USC § 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, hunting knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, live rounds / ammunition, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

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

1. Take part in all District activities and school functions on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, or disability.

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2. Present their version of the relevant events to District personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access District policies, regulations, and rules and, when necessary, receive an explanation of them from District personnel.
4. Not to be intimidated, harassed, or discriminated against based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability by anyone on school property or at a school function.
5. Attend school and have the opportunity to receive an education.

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.
2. Show respect to other people and to property in accordance with this Code and the Dignity for All Students Act.
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 participate and learn.
5. Work to the best of their ability in all academic and extracurricular pursuits, and strive toward their highest level of possible achievement.
6. Respond to direction given by teachers, administrators, and other employees in a respectful, positive manner.
7. Learn, develop, and apply mechanisms to control their behavior.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to discipline.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the District when participating in or attending school or school functions, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
13. Communicate any potentially dangerous situation to an appropriate District employee.
14. Respect one another and treat others fairly in accordance with this Code and the provisions of the Dignity Act.
15. Promote an environment that is free from intimidation, harassment, bullying, and discrimination through conduct that fosters civility, kindness, and acceptance.
16. Timely report and encourage others to timely report any incidents of intimidation, harassment, bullying, or discrimination to the building administrator or Dignity Act Coordinator (DAC).
17. Conducting themselves in a manner that does not create or foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, communication, threat, intimidation, or abuse might reach school property.

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that their child's education is a joint responsibility with the school community.
2. Send their child to school ready to participate and learn.
3. Ensure their child attends school regularly and on time.
4. Ensure absences are excused under the District's attendance policy.
5. Insist their child be dressed and groomed in a manner consistent with the student dress code.
6. Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know and support school policies, regulations, and rules, and help their child understand them.
8. Convey to their child a supportive attitude toward education and the District by becoming acquainted with their child's school, employees, curriculum, and school functions.
9. Build good relationships with teachers, other parents, and their child's friends.
10. Help their child deal effectively with peer pressure.
11. Provide appropriate methods, support, and resources to help students control behavior.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Teach their child respect and dignity for themselves, District employees, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
15. Model behavior that is free from harassment, bullying, intimidation, and discrimination and that fosters civility, kindness, and acceptance.
16. Report incidents of harassment, intimidation, bullying, and discrimination to the building administrator or DAC.

B. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies, regulations, and rules, and enforce them in a fair and consistent manner.
5. Provide appropriate methods and support to help students control their behavior.

6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
7. Communicate expectations regularly to students, parents, and other teachers concerning growth and achievement.
8. Confront issues of discrimination, intimidation, bullying, and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee, or any person who is lawfully on school property or at a school function.
9. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
10. Timely report incidents of discrimination, intimidation, bullying, and harassment that are witnessed or otherwise brought to their attention to the building administrator or DAC.

C. Guidance Counselors / Psychologist / Social Worker

They are expected to:

1. Assist students in coping with peer pressure and personal, social, and emotional problems that may affect their success in school.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems, and promote growth and achievement in school.
3. Regularly review with students their educational progress and future plans.
4. Provide information to assist students with character development.
5. Encourage students to benefit from the curricular and extracurricular programs and school functions.
6. Maintain and encourage a climate of mutual respect and dignity for all. This includes conducting themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all.
7. Model behavior that is free from harassment, intimidation, bullying, and discrimination.
8. Timely report incidents of discrimination, intimidation, bullying, and harassment that are witnessed or otherwise brought to their attention to the building administrator or DAC.

D. Support Staff

Support staff are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all. This includes conducting themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all.
2. Model behavior that is free from harassment, intimidation, bullying, and discrimination.
3. Timely report incidents of discrimination, intimidation, bullying, and harassment that are witnessed or otherwise brought to their attention to the building administrator or DAC.

E. Principals

All District principals are expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting effective teaching and learning.
2. Ensure that students and essential partners have the opportunity to communicate regularly with them and approach them to address issues and concerns.
3. Evaluate, on a regular basis, all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities and school functions.
5. Be responsible for enforcing this Code and ensuring that all issues are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all. This includes conducting themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all.
7. Model behavior that is free from harassment, intimidation, bullying, and discrimination.
8. Timely report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention to the building administrator or DAC.

F. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination, bullying and harassment, and supporting active teaching and learning.
2. Review with District administrators the policies of the Board and the state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code and ensuring that all issues are resolved promptly and fairly.
6. Lead by example and conduct him or herself in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance toward all people.
7. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
8. Timely report incidents of harassment, bullying, cyberbullying, or discrimination that you witness or that are reported to you to the appropriate building administrator or appropriate DAC.
9. Know school policies, regulations, and rules, and enforce them in a fair and consistent manner.

G. Board of Education

The Board members are expected to:

1. Collaborate with students, essential partners, and any other District employees to develop a Code that clearly defines expectations for the conduct of students, District employees, and visitors on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
3. Appoint a DAC in each school building. The DAC will be thoroughly trained to handle issues related to race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The DAC will be accessible to students and other District employees for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
5. Know school policies and audit them to ensure they are aligned with District practices.
6. Adopt policies that provide students and District employees with a school environment that is free of harassment, bullying, intimidation, and discrimination.
7. Model behavior that is free of harassment, bullying, intimidation, and discrimination.
8. Timely report incidents of harassment, bullying, intimidation, and discrimination that members witness or that are reported to them to the appropriate building administrator or DAC.

H. Dignity Act Coordinators

All DACs (at least one per building) are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training in the areas of actual and perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, and gender.
3. Be accessible to students and District employees for consultation and guidance as needed relative to DASA.
4. Model behavior that is free from harassment, bullying, intimidation, and discrimination.
5. Accept reports regarding violations and conduct investigations as appropriate.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. 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.

Students will:

1. Dress in a manner that is safe, appropriate, and that will not disrupt or interfere with the educational process, or damage District property. Sunglasses should not be worn in any building.
2. Ensure that undergarments are completely covered with outer clothing.
3. Wear safe and functional footwear at all times.
4. Not wear hats, caps, hoods, or other head coverings in school or in the classrooms except for a medical or religious purpose, or on days designated by the District administration.
5. Not wear clothing that displays anything that is vulgar, obscene, libelous, or that denigrates others.
6. Not wear clothing that promotes or endorses the use of alcohol, tobacco, or illegal drugs, or that encourages other illegal or violent activities.

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

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

VI. Prohibited Student Conduct

The District expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District employees, visitors, and other members of the school community, and for the care of school property and equipment.

Discipline should be self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District employees 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. Students who do not accept responsibility for their own behavior and who violate these school rules may be disciplined up to and including suspension from school.

Students may be disciplined when they:

A. Engage in conduct that is disorderly.

Examples of disorderly conduct include, but are not limited to:

1. Fighting.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, abusive, intimidating, that incite others, or that are otherwise inappropriate.
4. Engaging in any willful act which disrupts the normal operation of the school community.
5. Computer/electronic device 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.
6. Running in hallways.
7. Obstructing vehicular or pedestrian traffic.
8. 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.

B. Engage in conduct that is insubordinate or disruptive.

Examples of insubordinate or disruptive conduct include, but is not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students.
2. Demonstrating disrespect.
3. Being late for school, or missing or leaving school without permission.
4. Skipping assigned disciplinary sessions (*e.g.*, detention).
5. Lying to District employees.
6. Unauthorized or inappropriate use of an electronic device.
7. Misusing passes, including detouring to or remaining in an unauthorized location.

C. Engage in conduct that is violent.

Examples of violent conduct include, but are not limited to:

1. Committing or attempting to commit an act of violence upon any person lawfully on school property or at a school function.
2. Possessing a weapon. Only authorized law enforcement officials may have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.

5. Intentionally damaging or destroying the personal property of any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying District property.

D. Engage in any conduct that endangers the safety, morals, health, or welfare of others.

Examples of this conduct include, but are not limited to:

1. Stealing the property of other students, District employees, or any other person lawfully on school property or attending a school function.
2. Harassment; bullying (including cyberbullying); intimidating; engaging in sexual misconduct; or discriminating by conduct, communication, threat, intimidation, or abuse on school property or at a school function.
3. Using vulgar, lewd, or abusive language; cursing; or swearing.
4. Possessing or using a cigarette, e-cigarette, vape, cigar, pipe, or chewing or smokeless tobacco, or any of its related paraphernalia.
5. Possessing, consuming, selling, distributing, using, sharing, or exchanging alcoholic beverages, illegal substances, lookalike substances, synthetic or designer drugs or substances, or any other substance that is intended to alter mood, or being under the influence of any of these items.
6. Inappropriately possessing, consuming, selling, distributing, using, exchanging, or sharing prescription or over-the-counter medication or drugs.
7. Lying to District employees.
8. Defaming others by making verbal or written statements or representations that are intended to or actually cause harm to another. This can include posting or publishing video, audio recordings, or pictures on social media.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any District-sponsored activity, organization, club, or team.
10. Selling, using, distributing, sharing, or possessing obscene material.
11. Gambling.
12. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
13. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

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, harassment, and discrimination will not be tolerated. Furthermore, students are expected to adhere to all requirements of the Dignity Act while being transported on a school bus; students must not engage in harassment, bullying, cyberbullying, intimidation, or discrimination. Rules for riding the bus are contained in the School Bus Riders' Manual.

F. Engage in any form of academic misconduct.

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of these actions.
6. Violating the District's acceptable use policy.
7. Forgery.

G. Engage in Cyberbullying. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, bullying, discriminating, teasing, intimidating, or threatening another student or District employee through any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs) which have the effect of:

1. Physically, emotionally, or mentally harming a student.
2. Placing a student in reasonable fear of physical, emotional, or mental harm.
3. Placing a student in reasonable fear of damage to or loss of personal property.
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.
5. Creating or foreseeably creating a risk of substantial disruption within the school environment, where it is foreseeable that the off campus conduct, threats, communication, intimidation, or abuse might reach school property.

All forms of bullying are unacceptable and, to the extent that these actions are disruptive of the District's educational process, offenders will be subject to appropriate employee intervention, which may result in discipline. Complaints of bullying or cyberbullying will be investigated promptly, and corrective action will be taken when a complaint is verified. The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, or any other individuals who participated in the investigation of the cyberbullying complaint.

VII. Electronic Devices

Students may use electronic devices in the cafeteria during their assigned lunch period or in the halls while passing in between classes, if they do so safely and appropriately. The District prohibits electronic-device use during study halls and regular class periods unless the student secures the prior approval of the classroom teacher and the use is for legitimate educational purposes. Approval from classroom teachers is required on a daily basis.

Administrative action will be taken against students who violate this rule. Consequences for this type of violation may result in the school administrator/employee confiscating the electronic device and disciplinary consequences. Repeated violations will result in escalating consequences, which could include in-school suspension and temporary confiscation of the electronic device. Devices that are frequently confiscated or cause a major disturbance can be held by the school for an extended period of time.

While students may be permitted to possess these devices during the school day, they are prohibited from using them in any manner that violates the District's acceptable use policy, including invading the privacy of students, employees, volunteers, or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass, bully, discriminate against, or threaten others. If a student violates this prohibition, then he/she may be disciplined.

Electronic devices of any type may never be connected to District technology equipment such as a computer or projector without prior authorization from the technology coordinator. This includes items such as external hard drives, flash drives, or any device that can potentially transfer files into the network or single computer.

Parent and student communication should be kept to a minimum during the school day. In the event of an emergency, parents can contact the school to communicate with their child or a child can use the phone in the main office to contact a parent. The District will make all final decisions on communication.

VIII. Reporting Violations

All students are expected to promptly report violations of this Code to a teacher, guidance counselor, the building principal, or designee. Any student observing a student possessing a weapon, alcohol, or illegal substance, or another individual engaging in harassment, bullying, intimidation, or discrimination on school property or at a school function will report this information immediately to a teacher, the building principal, the principal's designee, or the Superintendent. Any student who observes cyberbullying off school property should immediately report it to an appropriate District employee.

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 this Code to their supervisor, who may in turn impose an appropriate disciplinary sanction or refer the matter to a District employee who is authorized to impose an appropriate sanction.

Any weapon, alcohol, or illegal substance found will be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate

disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

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

IX. Disciplinary Penalties, Procedures, & 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. 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, District employees authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers, or others, as appropriate.
6. Other mitigating or extenuating circumstances.

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

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

A. Penalties

Students who are found to have violated the District's Code may be subject to the following penalties, either alone or in combination. The District employee 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 employee.
2. Written warning – any member of the District employee.
3. Written notification to parent – guidance counselors, teachers, principal, or Superintendent (upon review of principal), or their designee(s).
4. Detention – teachers, principal, or Superintendent, or their designee(s)

5. Suspension from transportation – principal, Superintendent, or their designee(s).
6. Suspension from field trips, social, extracurricular activities, or other privileges – principal, Superintendent, or their designee(s).
7. In-School Suspension – principal, Superintendent, or their designee(s).
8. Removal from classroom by teacher – teachers, principal, or Superintendent, or their designee(s).
9. Short-term suspension from school (five days or less) – principal, Superintendent, Board of Education, or their designee(s).
10. Long-term suspension from school (more than five days) – principal, Superintendent, or Board of Education.
11. Permanent suspension from school – Superintendent or Board of Education.
12. Referral to outside agencies including, but not limited to, law enforcement, probation, and the courts – guidance counselor, principal, Superintendent, or their designee(s).
13. Suspended students may be given an opportunity to return to school on the days of their suspension after the regular school day to make up missed work.

B. Procedures

Regardless of the penalty imposed, the District employee authorized to impose a 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 District employee imposing the disciplinary penalty.

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

1. **Detention** –
Teachers, principals, the Superintendent, or their designee 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 and the student has appropriate transportation home following detention.
2. **Suspension from Transportation** – (see School Bus Rider's Manual for more information)
If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring the 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 these 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 under 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 under 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 District will balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. A student subjected to an in-school suspension is not entitled to a full hearing under Education Law § 3214. However, the student and that 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. These practices may include, but are not limited to: 1) short-term removal from the classroom or removal to an administrator's office or 2) sending a student to a guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. 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.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately by the guidance counselor, principal, or their designee. 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 form and meet with the principal or 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 before the beginning of classes on the next school day.

Within 24 hours after the student's removal, the teacher must notify the student's parents, in writing or through a phone call home, 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 and the teacher to discuss the reasons for the removal.

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:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law or the District's code of conduct.
- The conduct warrants suspension from school under Education Law § 3214 and a suspension will be imposed.

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 as to when the child is ready to return.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the CSE chairperson 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, disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. Superintendent, the building principal, or their designee have primary responsibility for suspending students.

All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of this Code. All recommendations and referrals will be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In those cases, a discipline referral is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent, principal, or their designee, upon receiving a discipline referral, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term suspension

When the Superintendent or principal proposes to suspend a student charged with misconduct for five days or less under Education Law § 3214(3), they must immediately notify the student orally. If the student denies the misconduct, they must provide an explanation of the basis for the proposed suspension. They 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 contacting the parents.

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

The notice and opportunity for an informal conference will 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 a danger or threat of disruption, the notice and opportunity

for an informal conference will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents in writing of his or her decision. The principal will advise the parents that if they are not satisfied with the decision and wish to pursue the matter, that they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them to do so. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendents' decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long-term suspension

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she will give reasonable notice to the student and the student's parents of their right to a fair hearing, also known as a Superintendent's Hearing. At the hearing, the student will 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 will personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be considered a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will be advisory only, and the Superintendent may accept all or any part of it.

An appeal of the Superintendent's decision may be made to the Board; the Board 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 can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent Suspension

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

C. Minimum Periods of Suspension

1. *Students who bring weapons to school*

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing under 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 appropriate factors. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, will be subject to penalties up to and including suspension from school. If the proposed penalty is a five-day or less suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the 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 may be suspended from school for at least five days. For purposes of this Code , “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) in accordance with Education Law § 3214(3-a) and this Code 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 Guidance Office will handle all referrals of students to counseling.

2. **PINS Petitions**

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

- a. Being habitually truant and not attending school.
- b. Engaging in an ongoing or continual course of conduct that 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.

3. **Juvenile Delinquents and Juvenile Offenders**

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

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

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

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 under Education Law § 3214, the District will take immediate steps to provide alternative means of instruction for the student.

XI. Discipline of Students with Disabilities

It may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. Students with disabilities enjoy 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 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, the following definitions apply:
 - **Suspension** – a suspension under Education Law § 3214.
 - **Removal** – a disciplinary exclusion 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.
 - **IAES** – 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 his or her IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the Superintendent, 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 schools 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 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” mans the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes a “weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
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.

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

If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE will review the behavioral intervention plan and its implementation to determine if modifications are 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; because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, may 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 District is considered to have had knowledge that their child was a student

with a disability before the behavior precipitating disciplinary action occurred. If the District is considered to have had this 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 will be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) determined that an evaluation was not necessary and provided notice to the parents of its 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 will 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 will remain in the educational placement determined by the District, which can include suspension.

3. The District will provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, or controlled substances; 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 will accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive days or less will be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent's hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be

bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations.

6. The removal of a student with disabilities other than a suspension or placement in an IAES will be conducted in accordance with the due process procedures applicable to these removals, except that school personnel may not impose this type of 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 will be provided service as required by the Commissioner's regulations.

D. Expedited Due Process Hearings

1. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations if:
 - a. The District requests this 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 during these proceedings.
 - b. The parent requests this 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 will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student will 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 will be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of the time period, he or she must

mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extension.

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 this action will not constitute a change of the student's placement.
2. The Superintendent will 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 to punish that student. Corporal punishment of any student by any District employee is strictly forbidden.

In situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, however, 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 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. Whenever a District employee uses physical force against a student, he or she will make a detailed report to the Superintendent describing the circumstances and nature of the action taken within the same school day.

XIII. Student Searches and Interrogations

The District 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, 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, they make an admission against their own interest, 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 question the student to elicit an admission that he or she possesses physical evidence that they violated the law or the District Code, or to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches and questioning will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

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

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

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes

it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause—not simply reasonable cause—to believe the student is concealing evidence of a violation of law or the District Code. School officials will attempt to notify the student’s parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by phone.

C. Documentation of Searches

The authorized school official conducting the search is responsible for promptly recording appropriate information about the search, including, but not limited to:

1. Name, age, and grade of student searched.
2. Reason 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 item(s) were found).
10. Disposition of items found.
11. Time, manner, and results of parental notification.

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

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities (collectively, “police”) to maintain a safe school environment. Police, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police may enter school property or a school function to

question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police are permitted to question or search any student, the building principal or designee will first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted before the police questioning or search, the questioning or search will not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

E. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property will be made directly to the building principal or his or her designee. The principal or designee will decide if it is necessary and appropriate for a school official to be present during the interview or to observe the interview from another room. If the nature of the allegations necessitate the student to remove any of his or her clothing for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during the portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or District official of the opposite sex. CPS and any of its team members must comply with the District's Code of Conduct and any other applicable policies or procedures.

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 or 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.

XIV. Visitors to the Schools

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

1. Anyone who is not a regular staff member or student of the school is a visitor.
2. All visitors to the school must report to the principal's office upon arrival at the school. There, they will be required to sign the visitor's register, and they will be issued a visitor's identification badge, which must be worn at all times while in the school or on school property. The visitor must return the identification badge to the principal's office before leaving.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange these visits in advance with the Building Administrator, so that class disruption is kept to a minimum.
5. Teachers must not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of conduct.

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, "public" means all persons when on school property or attending school functions including students, teachers, and District employees.

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

All persons on school property or attending a school function will conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function must be properly attired

A. Prohibited Conduct

No person, either alone or with others, will:

1. Injure any person or threaten to do so.
2. Damage or destroy school property or the personal property of a teacher, administrator, other District employee, or any person lawfully on school property, including through graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational process.
5. Intimidate, threaten, harass, bully, or discriminate against any person on the basis of a person's actual or perceived race, color, creed, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, sex, weight, socio-economic status, disability, or any other legally protected category.
6. Enter any portion of school property without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, distribute, share, or exchange alcoholic beverages, controlled substances, or illegal drugs, or be under the influence of any of them on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to timely comply with any reasonable request of identifiable District officials performing their duties.
14. Incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance, or Board policy while on school property or while at a school function.
16. Use language or gestures that are profane, lewd, vulgar, or abusive.
17. Smoke or use other tobacco or nicotine-containing products, except nicotine-cessation products, on school property or at school functions.
18. Violate the District's Acceptable Use Policy or procedures.

This list is illustrative, not exhaustive.

B. Penalties

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

1. **Visitors.** Their authorization, if any, to remain on school property or at the school function will be suspended, and they will be directed to leave the premises. If they refuse to leave, they will be removed.
2. **Students.** They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements and this Code.
3. **Tenured faculty members.** They will be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. **Classified service staff members.** They will be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. **Staff members other than those described in subdivision 4 and 5.** They will be subject to warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Superintendent/principal or designee is responsible for enforcing the conduct required by this Code.

When the Superintendent/principal or designee sees an individual engaged in prohibited conduct, which in his or her judgement does not pose any immediate threat of injury to persons or property, the Superintendent/principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Superintendent/principal or designee will also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Superintendent/principal or designee will 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 will initiate disciplinary action against any student or staff member, as appropriate, in accordance with the "Penalties" section above. In addition, the District reserves its right to pursue or participate in a civil or criminal legal action against any person violating the Code.

XVI. Dissemination and Review

A. Dissemination of Code of Conduct

Bolivar-Richburg Central School District

Annual Code of Conduct 2022-2023

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

1. Providing copies of a summary of the Code to all students in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year by request to the Superintendent or principal.
3. Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Posting the Code on the District website.

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

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

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

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

The District will file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than 30 days after adoption.