



**Code of Conduct**  
Lake George Central School District

Approved by BoE: 2/8/2021  
Annual Review:

# Code of Conduct

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## I. Introduction

The Board of Education of Lake George Central School District is committed to providing a safe and orderly school environment where all 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, as well as conduct off school premises which relates to the Lake George Central School District, its students or staff. 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, identify the possible developmentally appropriate consequence(s) as a response to unacceptable conduct, ensure that consequence(s) or other corrective and remedial action are assigned promptly and fairly with the goal of teaching students through these consequence(s). To this end, the Board adopts this Code of Conduct (“code”) which is based upon education laws, regulations and Board policies. Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## II. Definitions

For purposes of this code, the following definitions apply:

- A. **Color** refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- 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 in the classroom.
- C. **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)).
- D. **Employee** means any person receiving compensation from the school district, employee of a contracted service provider or worker placed within the school under a public assistance employment program, volunteer or annually Board of Education approved volunteer 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 Section s11[4] and 1125[3]).
- E. **Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law § 11[6]).
- F. **Harassment** or bullying will mean the creation of a hostile school/work environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law§11(8) that either has or would have the effect of unreasonably and substantially interfering with a student's educational performance, an employee's work performance, student or employee opportunities, benefits and/or physical well-being; or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm, or reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety; Such conduct includes acts of harassment and/or bullying that occur (a) on school property; and/or (b) at a school function; or (c) off school property where such acts of harassment and bullying create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying may include, but are not limited to: verbal threats, intimidation or abuse based upon a person's actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity and expression, sexual orientation, disability, or for any other reason.

- G. **National Origin** means a person's country of birth or ancestor's country of birth. Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.
- H. **Parent** means parent, guardian or person in parental relation to a student.
- I. **Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.
- J. **Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
- K. **Religious Practice** means a term including practices and observances which may include but is not limited to attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, and proselytizing.
- L. **School function** means any school-sponsored extracurricular event or activity on or off school property as defined in Education Law § 11 (2).
- M. **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 Vehicle and Traffic Law § 142.
- N. **Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)
- O. **Sexual Orientation** means actual or perceived heterosexuality, homosexuality, asexuality, or bisexuality (Education Law § 11[5]).
- P. **Violent person**, including students under the age of 21, who:
- Commits an act of violence upon a school employee, or attempts to do so.
  - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
  - Possesses, while on school property or at a school function, a weapon.
  - Displays, while on school property or at a school function, what appears to be a weapon.
  - Threatens, while on school property or at a school function, to use a weapon.
  - Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  - Knowingly and intentionally damages or destroys school district property.

- Q. **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, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.
- R. **Weight** means aside from the meaning in the physical sciences, the word is used in reference to a person's "size".

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

Our school system exists for many reasons. Primarily, it provides all students with the right of access to the educational opportunity available in this community. The required courses for graduation are provided to every student and the elective courses are determined by desire and ability. In addition, all extra-curricular clubs, classes, events and athletic teams are examples of the community's continuing commitment to provide a varied and enjoyable set of experiences for all students.

The following list of rights and responsibilities provides a guiding framework which supports the expectation that students, parents/guardians, and school staff will work together to reduce problem situations and create positive ones.

#### **Student Rights**

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

- A. To attend school without fear of physical harm or intimidation,
- B. To take part in all district activities on an equal basis regardless of actual or perceived race, color, creed, national origin, weight, ethnic group, religion, religious practice, gender identity and expression, sexual orientation, or disability.
- C. To be protected from intimidation, harassment, bullying and/or discrimination based on actual or perceived race, color, creed, national origin, weight, ethnic group, religion, religious practice, gender identity and expression, sexual orientation, or disability by employees or other students on school property or at school-sponsored events, functions or activities.
- D. To have school rules and conditions available for review and, whenever necessary, explained by the school personnel.
- E. To be able to present their version of the relevant events to school personnel authorized to impose consequence(s) and have disciplinary actions explained and/or reviewed by the school staff through appropriate channels.

#### **Student Responsibilities**

All district students have the responsibility to:

- A. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning; show respect to other persons and to property and report misconduct by Staff or students to school officials so that a positive and safe learning environment can be maintained.
- B. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination in accordance with the Code of Conduct and provisions of the Dignity for All Students Act (DASA).
- C. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.

- D. Attend school every day unless they are legally excused, and be in class on time and prepared to learn.
- E. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- F. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- G. Work to develop skills to manage their emotions and reactions and resolve conflict with others and seek help from school personnel when needed.
- H. Ask questions when they do not understand.
- I. Seek help in solving problems.
- J. Dress appropriately for school and school functions.
- K. Accept responsibility for their actions.
- L. Conduct themselves as representatives of the district when participating in or attending school-sponsored, extracurricular events and hold themselves to the highest standards of conduct, demeanor and sportsmanship.

#### **IV: Employee Rights and Responsibilities**

The District seeks to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage uncivil, volatile, hostile, or aggressive actions.

Any employee of this district who believes they have been harassed on a basis exclusive of protective class, may refer to policy Staff Complaints and Grievances. If inclusive of protected class refer to policy anti harassment and anti discrimination.



## **V. Essential Partners**

All members of our learning community, including students, school personnel, parents/guardians and engaged service providers, must assume responsible roles in promoting behavior that enhances academic and social success. Courteous, respectful and responsible behavior fosters a positive climate in the learning community.

Responsibilities of essential partners include but are not limited to the following:

### **Parents & Guardians**

All parents are expected to:

- A. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- B. Be aware of the school rules and discipline procedures.
- C. Discuss and reinforce the student rules and discipline procedures with their children.
- D. Work with the school administrators, school faculty and students toward the solution of a student's behavior problems.
- E. Ensure their child attends school regularly and on time, and that any absences are excused.
- F. Send their children to school ready to participate and learn.
- G. Ensure their children are dressed following the student dress code.
- H. Convey to their children a supportive attitude toward education and the district.
- I. Help their children deal effectively with peer pressure.
- J. Inform school officials of any situation that may affect student conduct or performance.
- K. Follow school rules and procedures when visiting school and/or attending school functions.

### **Teachers and staff**

All district staff members are expected to:

- A. Maintain a climate of mutual respect and dignity to promote a positive learning environment.
- B. Be prepared to carry out all professional responsibilities.
- C. Demonstrate interest in student learning and concern for student achievement.
- D. Know school policies and rules, and enforce them in a fair and consistent manner.
- E. Communicate to students and parents:
  1. Course objectives and requirements
  2. Marking/grading procedures
  3. Assignment deadlines
  4. Expectations for students
  5. Classroom Discipline plan

- F. Communicate regularly with students, parents and other teachers concerning growth and achievement.
- G. Address any situation that threatens the emotional or physical health or safety of any student, school personnel, or any person who is lawfully on school property or at a school function.
- H. Maintain confidentiality in accordance with all federal and state law.
- I. Model good citizenship for their students - lead by example.

### **Counselors**

- A. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- B. Initiate teacher/ student/ counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
- C. Regularly review with students their educational progress and career plans.
- D. Provide information to assist students with career planning.
- E. Encourage students to benefit from the curriculum.
- F. Encourage students to benefit from co-curricular programs.
- G. Address any situation that threatens the emotional or physical health or safety of any student, school personnel, or any person who is lawfully on school property or at a school function.
- H. Maintain confidentiality in accordance with all federal and state law.

### **Dignity Act Coordinator**

- A. The Dignity for All Students Act requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, creed, national origin, weight, religion or religious practice, gender or sex, gender expression and identify, sexual orientation or disability. This staff member should be referred to as the Dignity Act Coordinator (DAC). The Dignity Act Coordinator(s) are:

James Conway, Elementary School  
Christopher Mondella, Jr./Sr. High School

### **School Administrators**

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- B. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

- C. Evaluate on a regular basis all instructional programs and personnel.
- D. Support the development of and student participation in appropriate co-curricular activities.
- E. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- F. Address any situation that threatens the emotional or physical health or safety of any student, school personnel, or any person who is lawfully on school property or at a school function.
- G. Maintain confidentiality in accordance with all federal and state law.
- H. Ensure communication with students, staff and parents.

### **Superintendent**

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- B. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
- C. Inform the board about educational trends relating to student discipline.
- D. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and staff needs.
- E. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- F. Address any situation that threatens the emotional or physical health or safety of any student, school personnel, or any person who is lawfully on school property or at a school function.
- G. Maintain confidentiality in accordance with all federal and state law.

### **Board of Education**

- A. 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.
- B. 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.
- C. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- D. Address any situation that threatens the emotional or physical health or safety of any student, school personnel, or any person who is lawfully on school property or at a school function.
- E. Maintain confidentiality in accordance with all federal and state law.

## **VI. Dignity for All Students Policy**

### **Overview**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of students. The District will promptly respond to reports of harassment, bullying, and/or discrimination of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

### **Dignity Act Coordinator**

In each of its schools, the District will designate at least one employee to serve as the DAC and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- A. Approved by the Board.
- B. Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent.
- C. Instructed in the provisions of the Dignity for All Students Act and its implementing regulations.
- D. Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
- E. Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity and expression, sexual orientation or disability.

- F. Provided with training in the identification and mitigation of harassment, bullying, and discrimination.
- G. Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- A. Listing it in the Code of Conduct, with updates posted on the District's website.
- B. Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year.
- C. Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter.
- D. Posting it in highly visible areas of school buildings.
- E. Making it available at the District and school-level administrative offices.

If a DAC vacates their position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform their duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board, and will include training to:

- A. Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination.
- B. Address social patterns of harassment, bullying, and discrimination.
- C. Inform employees on the identification and mitigation of harassment, bullying, and discrimination.
- D. Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination.
- E. Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students.
- F. Provide strategies for effectively addressing problems of exclusion, bias, and aggression.

- G. Include safe and supportive school climate concepts in curriculum and classroom management.
- H. Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current Code of Conduct upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

### **Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination**

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include:

- Policy #3420 -- Non-Discrimination and Anti-Harassment in the District
- Policy #3421 -- Title IX and Sex Discrimination
- Policy #7551 -- Sexual Harassment of Students

All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the DAC may work with other District staff such as the District's CRCO(s) and/or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with applicable laws and regulations as well as the District's Code of Conduct, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local

law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

## **Reporting Incidents**

### **Reporting Incidents to the Superintendent**

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

### **Reporting of Material Incidents to the Commissioner of Education**

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

## **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

## **Publication of Policy: District Dignity for All Students Act**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

## **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

## **VI. Student Dress Code**

Specific examples of dress codes, delineating acceptable and unacceptable dress, are found in student handbooks.

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.

A student's dress, grooming and appearance will:

- A. Be safe, appropriate and not disrupt or interfere with the educational process.
- B. Recognize that extremely brief garments are not appropriate.
- C. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- D. Not include items that are vulgar, obscene, libelous, or denigrating to others on account of race, color, religion, creed, national origin, gender expression or identity, sexual orientation, disability, or weight.
- E. Not promote or endorse the use of alcohol, tobacco (including vaping products), or illegal drugs.
- F. Not encourage illegal activities or violence.
- G. Not be inflammatory toward other people or groups

Nothing in this policy will be construed to discipline or limit the ability of students to wear clothing that allows them to express their gender identity.

Each building principal or designee will 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.

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



## VII. 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 other members of the school community, and for the care of school facilities and equipment, with the goal of making school a community free of violence, intimidation, bullying, harassment and discrimination.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in 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. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who violate these school rules will be required to accept the consequences 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 of disorderly conduct include:

1. Engaging in unsafe behavior in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, obscene, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/Intranet account; accessing inappropriate websites; inappropriate electronic communications; or any other violation of the district's acceptable use policy.

### B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

### C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Acting in a manner that is disruptive of the educational process, such as substantially

interfering with district personnel's authority, or failing to comply with district personnel's instructions or rules.

2. Acting in a manner on or off campus 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.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, student, person lawfully on school property or other school employees or attempting to do so.
2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  - Displaying what appears to be a weapon.
  - Threatening to use any weapon.
  - 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.
  - Intentionally damaging or destroying school district property.

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or un-privileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. 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.

8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Use, possess, sell or distribute alcohol or other substances, drug paraphernalia, on school grounds or at school-sponsored events. The terms “alcohol and other substances” will mean the use of all substances including, but not limited to, alcohol, tobacco, inhalants, vape pen, vape juice (nicotine or non-nicotine), or any product/device used as an inhalant not prescribed by a physician, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, synthetic, fake, incense, narcotics, all other over the counter and prescription medication, etc. and any of those substances commonly referred to as “designer drugs.”
11. Inappropriately using or sharing of prescription and over-the-counter drugs.
12. Gambling.
13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
15. 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.

**F. Engage in any form of academic misconduct. Examples include:**

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.
6. Falsification of official school documents or parent notes.

## **IX. Report Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor; the building principal or designee. Any student observing a student possessing a weapon, alcohol or illegal substance 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.

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

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 consequence 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 and substantially affect the order or security of a school as soon as practical, but in *no* event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

All complainants will be advised that district policy and federal law prohibit retaliation against complainants and witnesses. If the complainant, witness, or reporting staff member believes that they have experienced retaliation, they need to report this issue as soon as possible to the District for appropriate responsive action to address and to prevent retaliation from recurring, if applicable.

Protected actions include reports to school officials, the Commissioner of Education, and law enforcement, or initiating testifying, participating, or assisting in any formal or informal proceeding.

Follow-up inquiries will be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Non-Retaliation for Reporting or Participating in an investigation when acting in good faith.

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee or student on school grounds or at a school function who reports such information to school officials, the Commissioner or law enforcement, who reports and acts in good faith, will be immune from civil liability from making such a report.

In addition, all complainants, those who participate in the investigation of a complaint in conformity with state law and district policies, or who are required to testify, participate or assist in the investigation procedure, will be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

## **X. Disciplinary Consequence(s), Procedures and Referrals**

### **A. Discipline**

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 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 and discipline, if warranted, will 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 will not be disciplined for behavior related to his/her disability.

### **B. 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. (Oral warnings should be documented in writing when possible).
2. Written warning - bus drivers, hall and lunch monitors, coaches, school counselors, teachers, principal, superintendent.
3. Written notification to parent -bus driver, hall and lunch monitors, coaches, school counselors, teachers, principal or designee, superintendent.
4. Detention - teachers, principal or designee, superintendent.
5. Suspension from transportation - director of transportation, principal or designee, superintendent.
6. Suspension from athletic participation - coaches, principal or designee, superintendent.

7. Suspension from social or extracurricular activities - athletic director, principal or designee, superintendent.
8. Suspension of other privileges - principal or designee, superintendent.
9. In-school suspension - principal, superintendent.
10. Removal from classroom by teacher - teachers, principal.
11. Short-term (five days or less) suspension from school - principal, superintendent, board of education.
12. Long-term (more than five days) suspension from school, superintendent, board of education.
13. Permanent suspension from school - superintendent, board of education.

### **C. Procedures**

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

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

#### **1. Detention**

Teachers, principals (or designees) and the superintendent may use lunch, 10th period or late detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. The student's parent will receive written notice that a detention has been assigned. Detention that occurs outside of the school day 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 themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's (or designee) 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 their 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 parents will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

### **4. In-school suspension**

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes 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." The in-school suspension teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parents 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 their composure and self-control in an alternative setting. Such practices may include, but are not limited to:

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

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial

interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they're being removed and an opportunity to explain their 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 they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal 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 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 they have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the 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:



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

The principal or 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 will be offered continued educational programming and activities until they are 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 their 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 their class until they have verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

## **6. Suspension from School**

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

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the 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 will be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**7. 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 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. At the conference, the parents will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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 such 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 the decision. The principal will 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 will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the 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.

**8. 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, they will give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against the student and the right to present witnesses and other evidence on the student's behalf.

The superintendent will personally hear and determine the proceeding or may, in their

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 them. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed 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 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 can show that extraordinary circumstances preclude 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.

## **9. Permanent Suspension**

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

## **D. Minimum Periods of Suspension**

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

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- The nature and severity of the offending student's behavior.
- Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, will be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice

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

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

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

**E. Referrals**

**1. Counseling**

The Counseling and 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 they 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 possess marijuana in violation of Penal Law §222.25. A single violation of §222.25 will be a sufficient basis for filing a PINS petition.

**3. Juvenile Delinquents and Juvenile Offenders**

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

- a. Any student under the age of 16 who is found to have brought a weapon to school, or

- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law

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.

## **XI. 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 to support and maintain student progress.

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

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

An "*IAES*" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the 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 of a student with a disability

from their current educational placement as follows:

- a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, If the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, If the student carries or possesses a weapon to school or to a school function, or the student possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - e. "Weapon" means "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."
  - f. "Controlled substance" means a drug or other substance identified under section 1, II, III, IV, or V in Section 202(c) of the Controlled Substance Act (21 U.S.C.§812(c))
  - g. "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 their current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement**

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. Removal of Students with Disabilities**

1. The district's Committee on Special Education 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 their 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.

If one or more members of the CSE believe that modifications are needed, the school district will 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 the 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 a student with a disability at the time of misconduct, will 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 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. the parent of the student has not allowed an evaluation of the student to be conducted or has refused services.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation 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 or because maintaining the student in their 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 school 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 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 incorporated into this code.
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



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 will be provided services as required by the Commissioner's regulations incorporated into this code.

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

1. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their 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 their 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 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 20 business days of receipt of the request for a hearing. The impartial hearing officer must mail a written decision to the district and the parents within 10 business days after the last hearing date.

An expedited due process hearing will be conducted in accordance with the procedures specified in Sections 200.5(j) of 201.11(b) of the Regulations of the commissioner pursuant to the following timelines, unless the Parent and District agree in writing to

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waive the resolution meeting or agree to mediation:

- a. A resolution meeting will occur within seven (7) days of receiving notice of the due process complaint.
- b. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of receipt of the due process complaint.
- c. The expedited due process hearing will occur within twenty (20) school days of the date the complaint requesting the hearing is filed.
- d. The impartial hearing officer will mail a written (or at the option of the Parents) electronic findings of fact and the decision to the District, the Parents, the Board of Education and to the Office of Special Education of the State Education Department ten (10) school days after the hearing is completed.

#### **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 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.

### **XIII. 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 can not reasonably be used, reasonable physical force may be used to:

- A. Protect oneself, another student, teacher or any person from physical injury.
- B. Protect the property of the school or others.
- C. 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 follow all guidelines adopted in LGCSO policy 7350. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

### **XIV. Student 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, the school nurse and district security officials to conduct searches of students and their belongings including cell phones and other devices 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 search a student or the student's belongings, including backpacks, 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 ask the student if they possess physical evidence, if they violated the law or the district code, or invite the

student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices, witnessed by another staff member and students may be present when their possessions are being searched.

### **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. If deemed necessary, school officials may invite members of law enforcement to assist in the search of lockers, desks and other school storage places.

### **Strip Searches**

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket and shoes. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others. Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause -to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent(s)/ guardians(s) by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### **Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the Code of Conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

### **Documentation of Searches**

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

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

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or

designee may first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search 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. This means:

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

### **Child Protective Service Investigations**

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

The principal or designee will 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 their 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 their clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not they 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.

## **XV. Visitors to Schools**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers, and other school personnel. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following expectations 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 greeter located at the designated single point of entry upon arrival at the school. There they will be required to sign the visitor's register and confirm identity, and will then be issued a visitor's identification, which must be worn at all times while in the school or on school grounds.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. Parents or citizens who wish to observe a classroom or meet with a staff member 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 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.

## **XVI. 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" will mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

### **A. Prohibited Conduct**

No person, either alone or with others, will:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person for any reason, including on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender identity and expression, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Smoke a cigarette, cigar, pipe, electronic cigarette, vaporizer device or use chewing or smokeless tobacco.



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.
16. Display behavior and/or use language that is rude or disrespectful.
17. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be subject to removal by law enforcement and/or arrest.
2. Students. They will be subject to disciplinary action as the facts may warrant, in accordance with the district code of conduct.
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. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They will be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members, other than those described in subdivisions 4 and 5, and elected officials. 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 building principal or designee will be responsible for enforcing the conduct required by this code.

When the building principal or designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The 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 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, 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.

## **XVII. 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 digital and/or copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making digital and/or copies of the code available to all parents at the beginning of the school year.
3. Posting a copy of the Code (and the Junior Senior High School and Elementary School Handbooks) on the Lake George Central School District website for parental and community review at the beginning of the school year.
4. Notifying all current teachers and other staff members that a digital copy of the Code and any amendments to the Code (and handbooks) are available online at the Lake George Central School District website.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

As relevant, 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.

### **B. Review of Code**

The board of education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently. The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

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