

# **PATCHOGUE-MEDFORD SCHOOL DISTRICT**

## **CODE OF CONDUCT**

Project S.A.V.E.  
(Safe Schools Against  
Violence in Education)

May 21, 2001  
Revised: August 24, 2001  
Revised: June 20, 2005  
Revised: June 19, 2006  
Reviewed, no revisions: June 2007  
Reviewed, no revisions: June 2008  
Revised: March 24, 2009  
Revised: April 18, 2016

## TABLE OF CONTENTS

I.	Introduction .....	1
II.	Definitions .....	1-2
III.	Students Rights and Responsibilities .....	2-3
	A. Student Rights .....	2
	B. Student Responsibilities .....	2-3
IV.	Essential Partners .....	3-5
	A. Parents/Guardians.....	3
	B. Teachers.....	3-4
	C. Guidance Counselors.....	4
	D. Principals/Assistant Principals .....	4
	E. Directors.....	4
	F. Superintendent .....	4
	G. Board of Education.....	5
V.	Student Dress Standards.....	5
VI.	Prohibited Student Conduct .....	6-10
VII.	Reporting Violations .....	10
VIII.	Disciplinary Penalties, Procedures and Referrals .....	10-21
	A. Penalties.....	11
	B. Procedures .....	12-18
	C. Minimum Periods of Suspension.....	19-20
	D. Referrals .....	20-21
IX.	Alternative Instruction.....	21
X.	Discipline of Students with Disabilities .....	21-29
XI.	Corporal Punishment.....	29
XII.	Student Searches and Interrogations .....	30
XIII.	Visitors to the Schools.....	30
XIV.	Public Conduct on School Property .....	31
XV.	Dissemination and Review .....	32
	A. Dissemination of Code of Conduct .....	32
	Teacher Removal of Student Form.....	33

# CODE OF CONDUCT

## I. INTRODUCTION

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

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending all school functions.

## II. DEFINITIONS

For purposes of this code, the following definitions apply.

- “Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- “Parent” means parent, guardian or person in parental relation to a student.
- “School property” means in or within any building, structure, athletic playing field, playground, parking lot 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 New York Vehicle and Traffic Law § 142.
- “School function” means any school-sponsored extracurricular event or activity.
- “Violent student” means a student under the age of 21 who:
  - a. Commits an act of violence upon a school employee, or attempts to do so.
  - b. 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.
  - c. Possesses, while on school property or at a school function, a weapon.
  - d. Displays, while on school property or at a school function, what appears to be a weapon.
  - e. Threatens, while on school property or at a school function, to use a weapon or inflict harm.
  - f. Knowingly and intentionally damages or destroys the personal property of any student, school employee, or any person lawfully on school property or at a school function.

## **II. DEFINITIONS (Continued)**

- g. Knowingly and intentionally damages or destroys school district property.
- “Firearm” means a firearm as defined in 18 U.S.C. § 921, for purposes of the Gun-Free Schools Act.
- “Weapon” means: (a) any other gun, including, but not limited to: BB guns, pistols, air guns, spring guns, revolvers, shotguns, rifles, machine guns, disguised guns, paintball guns, electronic stun guns, and electronic dart guns; (b) all knives and/or blades (with the exception of plastic cutlery solely used for eating meals), including, but not limited to: daggers, dirks, razors, razor blades, stilettos, switchblade knives, gravity knives, metal knuckle knives, box cutters, cane swords, and Kung Fu stars; as well as (c) brass knuckles, sling shots, pepper spray or other noxious spray, explosive or incendiary bombs, or other devices, instruments, materials or substances that can cause physical injury or death when used to cause physical injury or death.

## **III. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. STUDENT RIGHTS**

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

- Take part in all district activities on an equal basis regardless of actual or perceived race, sex, color, weight, creed, national origin, ethnic group, religion, religious practice, gender, sexual orientation, or disability.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- Be informed of school rules and consequences.

### **B. STUDENT RESPONSIBILITIES**

All district students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- Follow directions given by teachers, administrators, and/or other school personnel in a respectful, positive manner.
- Seek help in solving problems.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES (Continued)**

#### **B. STUDENT RESPONSIBILITIES (Continued)**

- Conduct themselves as representatives of the district when participating or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **IV. ESSENTIAL PARTNERS**

#### **A. PARENTS/GUARDIANS**

All parents/guardians are expected to:

- Recognize that the education of their child(ren) is a shared responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time and verify absences.
- Send their children to school dressed in a manner consistent with the student dress standards.
- Reinforce school rules with their child(ren).
- Be supportive of education.
- Help their child(ren) deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.

#### **B. TEACHERS**

1. All district teachers are expected to:

- Maintain a climate of mutual respect and dignity.
- Be prepared to teach.
- Demonstrate concern for student achievement.
- Know school policies, regulations, and rules, and enforce them in a fair and consistent manner.

2. Communicate to students and/or parents:

- Course objectives and requirements
- Marking/grading procedures
- Assignment deadlines
- Expectations for students
- Classroom rules and regulations

#### **IV. ESSENTIAL PARTNERS(Continued)**

##### **B. TEACHERS (Continued)**

3. Communicate with students and parents regarding student performance.

##### **C. GUIDANCE COUNSELORS**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counsel or conferences and parent/teacher/student/counselor conferences, as necessary.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

##### **D. PRINCIPALS/ASSISTANT PRINCIPALS**

1. Promote a safe and orderly school environment.
2. Support teaching and learning.
3. Communicate regularly with the staff, students and parents.
4. Support and promote extracurricular activities.
5. Be responsible for enforcing the Code of Conduct consistently and ensuring that all cases are resolved promptly and fairly.

##### **E. DIRECTORS**

1. Promote a safe and orderly school environment.
2. Support teaching and learning.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Evaluate on a regular basis all instructional programs.

##### **F. SUPERINTENDENT**

1. Promote a safe and orderly school environment.
2. Support teaching learning.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Inform the Board of Education about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the Code of Conduct consistently, and ensuring all cases are resolved promptly and fairly.

#### **IV. ESSENTIAL PARTNERS (Continued)**

##### **G. BOARD OF EDUCATION**

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.

#### **V. STUDENT DRESS STANDARDS**

All students are expected to give proper attention to personal hygiene 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 attire, grooming and appearance shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief and/or revealing garments are not appropriate.
- Ensure that undergarments are appropriately concealed so as not to be a distraction to the educational process.
- Not include the wearing of hats or headwear in the school except for a medical or religious purpose.
- Not include items that are vulgar, obscene, libelous, or denigrate others.
- Not promote, endorse and/or encourage illegal or violent activities.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities, including, but not limited, to those related to gangs or organizations promoting violence (e.g., bandanas, articles of clothing promoting gang colors, etc.).

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

Students who violate the student dress standards shall be required to modify their appearance. Any student who refuses to do so shall be subject to disciplinary action, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress standards shall be subject to further discipline, up to and including out of school suspension.

## **VI. PROHIBITED STUDENT CONDUCT**

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, according to generally held standards of conduct, 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 will not accept responsibility for their own behavior and 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, but are not limited to:**

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- 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.
- Computer/electronic communication misuse, including, but not limited to, any unauthorized use of computers, software, or Internet/Intranet; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- The unauthorized display or use of personal electronic devices, including, but not limited to, radios, cell phones, iPods and other music, video, and/or media players, cameras, laptops, and tablets.



## **VI. PROHIBITED STUDENT CONDUCT (Continued)**

### **B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:**

- Failing to comply with the reasonable directions of teacher, teacher aides, monitors, security personnel, bus drivers, school administrators or other school employees, or otherwise demonstrating disrespect.
- Lateness for missing or leaving school without permission.
- Skipping detention.

### **C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:**

- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- Inappropriate public sexual contact.
- The unauthorized display or use of personal electronic devices, including, but not limited to, radios, cell phones, iPods and other music, video, and/or media players, cameras, laptops, and tablets.

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

- Committing an act of violence (such as hitting, kicking, punching, or scratching) upon students, teachers, administrators, other school employees, or any other person lawfully on school property, or attempting to do so.
- Possessing a firearm or 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 firearm or weapon.
- Threatening to use any firearm or 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, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:**

- Lying to school personnel.
- Subjecting other students, school personnel or any other person lawfully on school property, or attending a school function, to danger, by engaging in conduct which creates a substantial risk of physical injury.
- Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.

## VI. PROHIBITED STUDENT CONDUCT (Continued)

### E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:

(Continued)

- Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- Discrimination, which includes an act of prejudice against any student, by a student(s) and/or employee(s) on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including identity and expression) or sex, to deny rights, equitable treatment or access to facilities available to others.
- Harassment, which includes: (a) the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, including, but not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, as an actual or perceived basis for treating another in a negative manner.
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Acts of sexual harassment, as defined in the District's sexual harassment policy.
- Hazing, which includes committing an act against a student or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, as a precondition for the student to be initiated into, affiliated with, or maintaining membership in any school sponsored activity, organization, club, or team, or, for any other comparable improper purpose. The term "hazing" includes, but is not limited to:
  - a) Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate, that has the potential to endanger the mental or physical health or safety of that student, including, but not limited to, the creation and/or distribution and/or transmission of photographs, videos, or any other image or other recording that shows exposed private parts of the human body in a lewd or indecent manner (e.g., sexting).
  - b) Any hurtful, aggressive, destructive or disruptive behavior that subjects a student to risk of harm or that adversely affects the mental or physical health or safety of that student.
  - c) The coerced use or abuse of tobacco, alcohol, drugs or other illegal substances.

## VI. PROHIBITED STUDENT CONDUCT (Continued)

### E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to: (Continued)

- d) Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies and regulations.
  - e) An induction, initiation, or membership process involving harassment.
- Selling, using, possessing, or distributing obscene or pornographic material.
  - Using vulgar or abusive language, cursing or swearing.
  - Possessing or smoking a cigarette, cigar, pipe; possessing or using chewing or smokeless tobacco or an electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or other device that can be used for smoking and/or vaporizing. “Electronic cigarette” and “vapor pen” shall include any refill, cartridge, and /or any other component of an electronic cigarette or vapor pen.”
  - Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
    - a. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs”, which are substances designed and synthesized to mimic the intended effects and usages of illegal substances, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
- Inappropriately using or sharing prescription and over-the-counter drugs.
  - Gambling.
  - Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  - Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging of a fire extinguisher.
  - Distribution or electronic transmission of photographs, videos, or any other image or other recording that shows exposed private parts of the human body in a lewd or indecent manner, whether or not photographs, videos, or other recordings were recorded and/or distributed and/or transmitted consensually by all parties involved in the making and recording of such photographs, videos, or other recordings.
  - Any form of electronic messaging that causes disruption to the educational environment (e.g., texting, sexting, tweeting, instant messaging, other social media applications and websites).
  - Failure to mitigate, hinder, attempt to stop, or report to a school official or the proper authorities any violation of the Code of Conduct.

## **VI. PROHIBITED STUDENT CONDUCT (Continued)**

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

**G. Engage in any form of academic misconduct.** Examples of academic misconduct include, but are not limited to:

- Plagiarism.
- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

## **VII. REPORTING VIOLATIONS**

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

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

- 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.

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

### **A. PENALTIES**

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

- Oral warning – any member of the district staff.
- Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal or designee, administrators, superintendent.
- Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal or designee, administrators, superintendent.
- Detention – teachers, principal, administrators, superintendent.
- Suspension from transportation – director of transportation, principal or designee, superintendent.
- Suspension from social or extracurricular activities – activity director, principal or designee, superintendent.
- Suspension of other privileges – principal, superintendent.
- In-school suspension – principal, superintendent.
- Removal from classroom – teachers, principal or designee.
- Short-term (five days or less) suspension from school – principal, superintendent, and Board of Education.
- Long-term (more than five days) suspension from school – superintendent, Board of Education.
- Permanent suspension from school – superintendent, Board of Education.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

### **B. PROCEDURES**

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

Parents will be notified of assigned detention. Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objections to the penalty and the student has appropriate transportation home following detention.

#### **2. Suspension From Transportation**

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parents 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **B. PROCEDURES (Continued)**

#### **3. Suspension From Athletic Participation, Extracurricular Activities And Other School Functions**

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

#### **4. Suspensions**

Parents will be notified of in-school suspensions. 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 parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### **5. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most cases the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques and standard practices.

On occasion, a student's behavior may become disruptive. For purposes on 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 the 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

(Continued)

### **B. PROCEDURES (Continued)**

#### **5. Teacher Disciplinary Removal of Disruptive Students (Continued)**

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

If the disruptive student poses an ongoing threat to the educational process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established disciplinary form and must notify the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. The teacher must call the student's parent/guardian within 24 hours to explain the circumstances of the removal.

Within 24 hours after the student's removal, the principal or principal's designee will notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but not 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.



## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)**

### **B. PROCEDURES (Continued)**

#### **5. Teacher Disciplinary Removal of Disruptive Students (Continued)**

The principal or principal's designee shall inform the person in parental relation to such pupil of the removal and the reason therefore within 24 hours of the pupil's removal.

The principal may require the teacher who ordered the removal to attend the informal conference, when scheduled during the teacher's normal workday.

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 the 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:

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming until he or she is permitted to return to the class. A removed student may not be temporarily placed in another classroom. Appropriate class work must be provided for the removed student by the removing teacher.

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

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)

### B. PROCEDURES (Continued)

#### 5. Teacher Disciplinary Removal of Disruptive Students (Continued)

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, the principal or principal's designee shall verify whether the present removal is in violation of the student's rights under state or federal law. Accordingly, the principal or principal's designee shall verify the present removal is not in violation of the student's rights under state or federal law.

#### 6. Suspension from School (Out Of School)

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

##### a) Short-term ( 5 days or less) suspension from school

When the superintendent or principal (referred to as the "Suspending Authority" proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law § 3214(3), the Suspending Authority must immediately notify the student orally. If the student denies the misconduct, the Suspending Authority must provide an explanation of the basis for the proposed suspension.

## VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)

### B. PROCEDURES (Continued)

#### 6. Suspension From School (Out Of School) (Continued)

##### a) Short-Term (5 days or less) Suspension From School (Continued)

The Suspending Authority must also notify the student's parents in writing that the student may be suspended from school. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five (5) business days. The superintendent shall issue a written decision regarding the appeal within ten (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 thirty (30) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so or new circumstances develop which could impact the decision rendered by the superintendent. Only final decisions of the board may be appealed to the commissioner within thirty (30) calendar days of the decision.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS (Continued)**

### **B. PROCEDURES (Continued)**

#### **6. Suspension From School (Out Of School) (Continued)**

##### b) Long-Term (more than 5 days) Suspension From School

When the superintendent or building principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be presented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

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

##### c) Permanent suspension

Permanent suspension is reserved for extraordinary circumstances, such as when 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **C. MINIMUM PERIODS OF SUSPENSION**

#### **1. Students Who Bring To, Or Possess, A Firearm Or Weapon On School Property**

Any student, other than a student with a disability, found guilty of bringing to, or possessing, a firearm or weapon onto school property will be subject to suspension from school for at least one (1) 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 based upon the following conditions:

- 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.
- Other extenuating circumstances.

A student with a disability may be suspended in accordance with the requirements of State and Federal law.

#### **2. Students Who Commit Violent Acts Other Than Bringing 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 to, or possessing a firearm or weapon onto school property, shall be subject to suspension from school for at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by- case basis. The superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm or weapon.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **C. MINIMUM PERIODS OF SUSPENSION** (Continued)

#### **3. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority over the Classroom**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for up to five (5) 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) on four (4) or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. The superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm or weapon.

### **D. REFERRALS**

#### **1. Counseling**

Students may be referred to counseling with a school guidance counselor according to the nature of the reason for the student's referral or the availability of services. The guidance office shall 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 eighteen (18) who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- 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.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS** (Continued)

### **D. REFERRALS (Continued)**

#### **2. PINS Petitions (Continued)**

- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

#### **3. Juvenile Delinquent 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:

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

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

## **IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student Code of Conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

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

### **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 education setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- A “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 program, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

#### **2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:**

- The Board, the Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.



## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

### **A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES (Continued)**

#### **2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows: (Continued)**

- The superintendent may order the placement of a student with a disability in an IAES, another setting or suspension for up to ten (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 student would be subject to suspension for the same behavior.
- The superintendent may order additional suspensions of not more than ten (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.
- 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 forty-five (45) days, if the student carries or possesses a firearm or weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - “Weapon” means the same as “dangerous weapon” under 18U.S.C. § 930 (g)(w) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except for a pocket knife with a blade of less than two (2) inches in length.
  - “Controlled Substance” means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act, specified in both Federal and State law applicable to this policy.
  - “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.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES (Continued)**

**2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows: (Continued)**

- Subject to specified conditions required by both federal and state law, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to forty-five (45) days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

**B. CHANGE OF PLACEMENT RULES**

**1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:**

- For more than ten (10) consecutive school days; or
- For a period of ten (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 ten (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 suspension 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 or 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 firearms, weapons, illegal drugs or controlled substances.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**

**1. The Committee on Special Education shall:**

- 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 ten (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 firearms, weapons, illegal drugs or controlled substances.

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

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

- 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 firearms, weapons, illegal drugs or controlled substances; or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitute a disciplinary change in placement.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES (Continued)**

**2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law 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.**

- The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- 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:
  - Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES (Continued)**

**3. The district shall provide parents with notice of disciplinary removal** no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving firearms, weapons, illegal drugs or controlled substances; or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

**4. The parents of a student with disabilities subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.**

**5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five (5) school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.**

**6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.**

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

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**D. EXPEDITED DUE PROCESS HEARINGS**

**1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:**

- The district requires such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- 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.
  - During the pendency of an expedited due process hearing or appeal regarding the placement of appeal regarding the placement of a student in an IAES for behavior involving firearms, weapons, illegal drugs or controlled substances; or on grounds of dangerousness; or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration on the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES (Continued)**

**D. EXPEDITED DUE PROCESS HEARINGS (Continued)**

**2. An expedited due process hearing shall be completed within fifteen (15) business days of receipt of the request for a hearing.** Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five (5) business days after the last hearing date, and in no event later than forty-five (45) calendar days after receipt of the request for a hearing, without exceptions or extensions.

**E. Referral to Law Enforcement and Judicial Authorities**

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

**1. The district may report a crime committed by a student with a disability to the appropriate authorities, and such action will not constitute a change of the student's placement.**

**2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.**

**XI. CORPORAL PUNISHMENT**

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

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

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

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

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

The Patchogue-Medford School District Board of Education is committed to providing an atmosphere for a positive, safe and orderly school environment. Therefore, student searches and interrogations will be conducted in accordance with applicable Federal and State laws and guidelines.

## **XIII. VISITORS TO THE SCHOOLS**

Visitors to the school are subject to Board of Education policy number 1340.1 and the following terms.

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

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



#### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

Public conduct on school property is governed by Board of Education policy number 1340 and the following terms. No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, weight, creed, national origin, ethnic group, sex, religion, religious practice, age, gender (including gender identity and expression), sexual orientation, or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, offer, manufacture, 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.
- Possess or use firearms or 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code of Conduct.
- Violate any Federal or State statute or regulation, local ordinance, or board policy while on school property or while at a school function.
- Smoke a cigarette, cigar, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or use chewing or smokeless tobacco on school property.

## **XV. 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:

- Providing copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year.
- Making copies of the Code of Conduct available to all parents at the beginning of each school year.
- Making a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
- Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practical after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code of Conduct available for review by students, parents and other community members.

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

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.

**TEACHER REMOVAL OF STUDENT FORM**  
**Use Only For Three Day Removal**

Student Name \_\_\_\_\_

Date of Referral \_\_\_\_\_

Period \_\_\_\_\_

Teacher Name \_\_\_\_\_

Directions: Check off the situation that applies and follow the steps outlined.

**Student was substantially disruptive of the educational process or substantially interfered with the teacher's authority over the classroom and posed a danger to himself/herself or others.**

- Teacher may order the removal of the student immediately.
- Teacher must explain to the student the reason for the removal. Within 24 hours, the student will be allowed to present the student's version of the relevant events.
- Teacher must notify the administrative office that a child has been removed from class.
- Teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day upon which the removal occurred.
- By the start of the day following the removal, the teacher must supply the main office with a copy of assignments for the student to complete during the removal period.

**Student is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.**

- Teacher/student conference must be held before student is removed.
- Teacher will inform the student of the work that needs to be completed for the remainder of the period.
- Teacher must notify the administrative office that a child has been removed from class.
- Teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day upon which the removal occurred.
- By the start of the day following the removal, the teacher must supply the main office with a copy of assignments for the student to complete during the removal period.

Describe the events leading up to the removal and the steps taken to modify the child's behavior prior to removal \_\_\_\_\_

What explanation was given to the student for his or her removal?

What was the student's response?

Notice to Parents from Principal

Date/Time/Manner

Check One and Date \_\_\_\_ Personal Delivery

\_\_\_\_ Other Means: Explain \_\_\_\_\_

Express Mail \_\_\_\_

Outcome: \_\_\_\_\_

White Copy - Principal

Yellow Copy - File

Pink Copy - Teacher

Code of Conduct