

**2017-2018**

# **Code of Conduct**

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**Montauk Union Free School District**

**Board of Education**

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Policy adopted June 26, 2001

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# **Code of Conduct**

## **I. Introduction**

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

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

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

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property, attending a school function or engaged in any school sponsored trip or extracurricular activity.

## **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, 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.

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

“Violent student” means a student under the age of 21 whom:

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

6. Knowingly and intentionally damages or destroys school district property. "Weapons" 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, shot gun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### **III. Students' Rights and Responsibilities**

#### **A. Students 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:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relative events including witnesses to school personnel authorized to impose a disciplinary action in connection with the imposition of the action.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibility**

All district students have the responsibility to:

1. Contribute to maintaining a safe, orderly school environment that is conducive to learning and to show respect to other persons and to property
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive towards their highest level of achievement possible.
5. React to direction given by teachers, administrators and school teacher aides, bus drivers, office personnel and custodians in a respectful positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to disciplinary action.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.

11. Conduct themselves as representatives of the district when participating in or attending school sponsored or extracurricular activities and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Have a class pass when in the hallways or bathrooms.
13. Return to homerooms and/or lockers at specified times or with special permission.
14. Keep noise at an appropriate level for activity.

C. Sexual Harassment of Students

The district is committed to safeguarding the right of all students within the school district to learn in an environment which is free from all forms of sexual harassment. Conduct is deemed to be sexual harassment when the student perceives such behavior as unwelcome, such as inappropriate touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, blocking a student's movement, rape or attempted rape. Sexual harassment is a form of sex discrimination. Any student, who believes that he/she has been subjected to sexual harassment, whether by a teacher, other student or any individual on school grounds or at school activities, should report the alleged misconduct immediately to the Superintendent, the Title IX Misconduct Officer or the Assistant Principal. The student can pursue his/her complaint informally or file a formal complaint.

In the absence of a victim's complaint, the school, upon learning of, or having reason to suspect the occurrence of any sexual harassment, will promptly begin an investigation. In any situation, the parent/guardian will be immediately notified of the situation.

As per the Dignity for All Students Act of 2012, Brigid Collins and J. Philip Perna are appointed as coordinators.

D. Dignity for All Students

Definitions

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

**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 (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**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 Section 11[4] and Executive Law Section 292[21]).

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6])

**Harassment** means 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 wellbeing; or 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; such conduct, verbal threats, intimidation or abuse includes but is 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 (Education Law Section 11[7]).

**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.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**Height** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**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.

**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.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

## **STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

**With every right comes a responsibility.**

*It is the student's right:*

*It is the student's responsibility:*

- 1) To attend school in the district in → To attend school daily, regularly and on which one's parent or legal time, perform assignments, and strive to guardian resides. do the highest quality work possible and be granted the opportunity to receive a good education.

- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. → To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- 3) To be respected as an individual. → To respect one another, and to treat others in the manner that one would want to be treated.
- 4) To express one's opinions verbally or in writing. → To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- 5) To dress in such a way as to express one's personality. → To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- 6) To be afforded equal and appropriate educational opportunities. → To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability. → To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. → To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.

- 9) To be protected from → To respect one another and treat others  
intimidation, harassment, or fairly in accordance with the District Code  
discrimination based on actual or of Conduct and the provisions of the  
perceived race, color, weight, Dignity Act. To conduct themselves in a  
national origin, ethnic group, manner that fosters an environment that is  
religion, or religious practice, free from intimidation, harassment, or  
sex, gender/gender identity, discrimination. To report and encourage  
sexual orientation, or disability, others, to report any incidents of  
by employees or students on school property or at a school- intimidation, harassment or discrimination.  
sponsored event, function or activity.

### **Student Use of Electronic Communication Devices**

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

### **PROHIBITED STUDENT CONDUCT**

The District Board expects all students to conduct themselves in an appropriate and civil manner per the District Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

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 develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on District property or engaged in a District function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or 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 or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

**A. Engage in Conduct that is Disorderly**

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

1. Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
2. Obstructing vehicular or pedestrian traffic.
3. Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
4. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
5. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
6. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

**B. Engage in Conduct that is Insubordinate**

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other District employees or otherwise demonstrating disrespect.
2. Missing or leaving school or class without permission.

C. Engage in Conduct that is Disruptive

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

1. Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrating disrespect.
2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

D. Engage in Conduct that is Violent

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

1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other District employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
3. Engaging in harassing 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 well-being.
4. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using weapon(s).
8. Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.
9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

E. Engage in Any Conduct that Endangers the Safety, Morals, Health or Welfare of Others

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

1. Lying, deceiving or giving false information to school personnel.
2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
3. 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
5. Harassment, 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 wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.

11. Selling, using, possessing or distributing obscene material.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
13. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
14. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
15. Gambling and gaming.
16. Inappropriate touching and/or indecent exposure.
17. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
18. Violating gender privacy when using school restroom facilities.

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, fighting, harassment, and discrimination will not be tolerated.

G. Engage in Any Form of Academic Misconduct

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

1. Plagiarism.
2. Cheating.
3. Altering records.
4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

**DISSEMINATION AND REVIEW**

Dissemination of Code of Conduct

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

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Making copies of the Code available to all parents at the beginning of the school year.
4. Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

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, via a committee of representative stakeholders, 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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

#### **IV. Essential Partners**

##### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to learn and participate.
3. Ensure that their children attend school regularly and on time.
4. Ensure that absences are excused.
5. Insure that their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in home and/or medical situations that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. State law now permits parental liability for up to two thousand, five hundred dollars (\$2500.). All students must show respect and care for Montauk School property. Any damage done to property should be reported to the main office. Acts of vandalism are crimes against the school district and the community which supports the school. Students who willfully destroy, damage or deface school property shall be subject to disciplinary action, and may be prosecuted to the fullest extent possible under the law. If the student damages school property, such student and/or his/her parents or guardian shall be required to pay the district for the value of the damaged property up to the limit of the law.

##### **B. Teachers/School Teacher Aides, Teacher Assistants**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-esteem and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate an interest in teaching and concern for student achievement.

4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate with students and with parents:
  - a) Course objectives and requirements
  - b) Marking/grading procedures
  - c) Assignment deadlines
  - d) Expectations for students
  - e) Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning an individual's growth and achievement.

C. Counselors/Social Workers/Psychologist

All counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/ counselor conferences, as needed.
3. Encourage students to benefit from the curriculum and extracurricular programs.

D. Administrators

All administrators are required to:

1. Promote a safe, orderly, professional and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and to approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly, effectively, fairly, and consistently.

E. Superintendent

The superintendent shall:

1. Promote a safe, orderly, professional and stimulating school environment, supporting active teaching and learning.
2. Review with administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

5. Work with administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. **Board of Education**

The Board of Education shall:

1. Collaborate professionally with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Conduct Board meetings in a professional, respectful and courteous manner.

V. **Student Dress Code**

All students are expected to give attention to personal cleanliness and dress appropriately for school and school functions. Students and their parents have the primary responsibility for student dress and appearance. Teachers and all other district personnel should exemplify and reinforce student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2.
  - a) Recognize that extremely brief garments and see-through garments are not appropriate. (Skirts no shorter than 4 inches above the knee and shirts that fully cover the stomach and chest area.) Shorts should be no shorter than 6 inches.
  - b) Ensure that underwear is completely covered with outer clothing at all times.
3. Include footwear at all times. Footwear that is a safety hazard is not allowed. (e.g. footwear that results in unsteadiness or falling) Shoes that fully cover the foot such as sneakers must be worn on the playground at all times.
4. Not include the wearing of hats in the building, except for a medical problem or religious beliefs, during the school day.
5. Not include items that are vulgar or obscene, libelous or denigrate others in reference to race, color, religion, creed, national origin, gender, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal activities.

Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item and, if

necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in school suspension for the day. Any student repeatedly failing to comply with the dress code shall be subject to further discipline, up to and including in 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, as well as the consequences of their misbehavior. District personnel who interact with the 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 school functions, clear and specific. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept disciplinary action for their conduct. The rules of conduct listed below are intended to do that and to focus on safety and respect for the rights and property of others. 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. Running in the hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Trespassing
  7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; cell phones; 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 or mandated after school activity.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

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

1. Committing an act of violence (such as hitting, spitting, kicking, punching or scratching) upon another student or any other person lawfully on school property or attempting to do so.
2. Committing an act of violence (such as hitting, spitting, kicking, punching or scratching) upon another teacher, administrator or other school employee or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. No student may have in his/her possession upon school premises any rifle, shotgun, pistol, revolver, other firearm, ammunition, explosives, knives, dangerous chemicals or any object which is not necessary for school activities and which could be used as a weapon. In accordance with the Gun-Free Schools Act of 1994, a student found guilty of bringing a firearm, as defined here in federal law, onto school property after a hearing has been provided pursuant to Section 3214 of the Education Law will be subject to at least a one-year suspension from school.
6. Intentionally damaging the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging (e.g. graffiti) 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 prejudicial 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.
    - a) Harassment or bullying either physically or psychologically, 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.
    - b) Bullying through personal electronic devices (cyberbullying)
  6. Threats or intimidation, which includes engaging in actions or statements that put an individual in fear of bodily or verbal harm.
  7. Selling, using or possessing obscene material.
  8. Using vulgar or abusive language, cursing, swearing.
  9. Chewing gum, smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
  11. Inappropriately using or sharing prescription or over-the-counter drugs.
  12. Gambling.
  13. Indecent exposure.
  14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

- 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. See transportation guidelines in the Student Handbook.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. 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, counselor, administrators, or other school personnel. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to the above personnel.

All district staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, lawful, and consistent manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose disciplinary sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible. Parents will be notified and appropriate disciplinary action will be taken.

The 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 of a school as soon as practical, but in no event later than the close of business hours the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on 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.

A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

## VIII. **Disciplinary Actions**

To support the behavioral and academic success of the students, preventative measures are the first step in promoting positive behaviors in the classroom setting. The promotion of these behaviors requires the implementation of well-managed classrooms, engaging and captivating instruction, and the creation of positive relationships with students. However, despite these actions, some behavioral issues

may still present. In such cases, evidence-based research strategies will be implemented as deemed necessary by the team of teachers working with the students. Said strategies will be determined by the frequency, duration, antecedents, and purpose of the particular behavior(s). New skill sets may be taught and reinforced, and/or modifications to the learning environment may be appropriate. Furthermore, collaboration amongst professionals and family members of the student is advantageous to maintain the student's academic success.

#### A. Procedures and Referrals

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lesser measure than subsequent violations. The action for academic cheating is quite specific:

a. Examination/Test

If it is determined that a student cheated on an examination, test or quiz, he/she will be assigned a grade of zero for that work. This grade will be averaged into the ten week grade for that course. In addition, further disciplinary action may be appropriate.

b. Classroom Assignments (i.e. daily work, homework, term papers, etc.)

If it is ascertained that the work turned in by a student (on a particular assignment) is not the work of the student whose name is on the assignment, the classroom teacher retains the discretion to determine whether the work is that of the student (whose name is on the paper) or whether it was obtained from another student. A grade reduction will occur. In such case the classroom teacher has the authority to reduce the amount of credit given for the assignment. The student's paper that was copied from will also be discredited

upon findings as to whether or not the student granted permission for such action. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

**B. Disciplinary Action Codes**

Students who violate the rights of another will be dealt with in a fair and consistent manner in the following order:

1. Verbally warn students;
2. Advise and discuss with parents by telephone;
3. Counseling intervention, where appropriate;
4. Detention;
5. Mandatory Parental Conference in person after four detentions;
6. In-school-suspension, out-of-school suspension;
7. Suspension from all student activities, athletics and privileges;
8. Restitution, financial or work equivalent at prevailing minimum wage scale for the lost or damaged school property;
9. Involvement of other social agencies as appropriate. (eg. Youth Court)

**C. Due Process Guidelines for Students**

If a student has a serious problem with any other student or school personnel, the following steps should be taken:

Step 1 - The student should, if possible discuss the problem with the person or persons directly involved. If not possible or if not practical, proceed to Step 2.

Step 2 - The student should contact his/her homeroom or advisory teacher.

It is the function of the teacher to try and resolve the grievance. If a solution cannot be reached, the teacher will refer the student to the next level in the Chain of Command.

Step 3 - If the student is not satisfied with the teacher's decision, he/she may appeal in writing, to the final level in the chain of command - the Administration.

**D. Accumulated Detention**

1. Each four (4) detentions will result in a mandatory conference with the teacher(s) concerned, the administration, parents/guardians and the student. Removal from a class office may be recommended. The parents will be notified by mail.
2. If a student accumulates six (6) detentions, the administration will be advised and their parents will be notified by mail. (return receipt)

3. When a student accumulates 8 or more detentions, he/she will be prohibited from participating in any activities other than regularly scheduled classes.
4. A schedule for reducing 7 or more detentions is listed below:  
2 weeks no detention - lose 1 detention  
each additional week of no detention - lose 1 more detention
5. Detentions will never be reduced below the first 6 detentions.

E. Unauthorized Use of Cell Phones

1. 1<sup>st</sup> offense – Confiscation for the day and returned to the student at dismissal. Notation in the Detention Log.
2. 2<sup>nd</sup> offense – Confiscation and detention. Returned to parent.
3. 3<sup>rd</sup> offense – Confiscation and detention. Returned to parent. The student may not have the phone in school for the remainder of the school year.  
Depending on the circumstance (inappropriate content, misuse, cheating) may jump to 3<sup>rd</sup> offense and possible counseling.

F. Teacher disciplinary removal of 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 by using good classroom managing techniques. These techniques may include practices that involve a teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Positive management strategies should always be implemented before removal. However, if necessary such practices may include but are not limited to:

1. short-term “time out” in the classroom or in an administrator’s and/or counselor’s office;
2. sending a student into the hallway briefly;
3. sending a student to a counselor or other district staff member for counseling.
4. sending a student to the Administrator’s office for the remainder of the class time only.

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 a substantial interference with a teacher's authority occurs when a student demonstrates a persistent

unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/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 a class as per §3214 Art. 65, gg 3-a, aa, b, bb, c, cc, d.

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

The teacher must inform the principal, in writing, briefly explaining the reasons for removal and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form.

If the principal or designee is not available by the end of the school day, the teacher must leave the letter with the secretary and meet with the principal or designee prior to the beginning of classes the next school day. Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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. Where possible, notice should also be provided by telephone.

The principal shall 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 parent 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 a student from a 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.

G. Suspension from School

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

The Board retains the 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 principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or 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.

1. **Short-term (five 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 §214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide a basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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 the persons or property or an ongoing threat of disruption, the notice and opportunity

for an informal conference shall take place as soon after the suspension as is reasonably feasible.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within ten 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 ten business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only the final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

## **2. Long-term (more than five days) suspension from school**

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

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

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

## **3. Permanent suspension**

Permanent suspension is reserved for circumstances such as a student's conduct posing 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.

## H. 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 for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

### 2. Students who commit violent acts other than bringing weapons to school-

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for 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 a fair and consistent manner. 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. All appeals to the Board must be in writing and submitted to the district clerk within ten business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.

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

Any student who is repeatedly disruptive of the educational process or interferes with the teacher's authority over the classroom will be suspended from school for at least five (5) days. For the purposes of this code of conduct "repeatedly disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3124 (3-a) and this code on four (4) or more occasions during the semester. If the proposed penalty is the minimum five (5) 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 long-term suspension, the superintendent has the authority to modify the minimum five (5) day suspension on a case-by-case basis. In deciding whether to modify the action, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **IX. Disciplinary Actions: Procedures**

### **A. Detention Grades 5-8**

This is a period of time when a student is detained on his/her own time for minor infractions of the rules and regulations of the Montauk Public School and/or individual teacher practices. When a student is assigned a detention, he/she should receive a duplicate copy of the detention and another is mailed home. Students must attend detention the day it is assigned to them. An absence from detention constitutes truancy.

1. Parents will be called by the teacher prior to 2:45. They may request that the detention be served on the next available day if family appointments or circumstances make attendance impossible.
2. Detention will be a fifty (50) minute period from 3:05 until 3:55 p.m. Monday - Friday.
3. Students must arrive at the detention room no later than 3:10; otherwise they will receive another detention.
4. There will be absolute quiet and students shall be assigned work by the referring teacher relevant to the infraction that is able to be completed within the period.
5. No one leaves to go to a locker or anywhere else unless it has been determined by the staff that it is necessary.
6. Students may not bring food or drink to detention/homework club.

### **B. Practices and Procedures**

Passes: A student must have a corridor pass every time he/she wishes to move about the building during class hours or to be in any area where he/she is not regularly scheduled. During a class period, a student may leave the classroom only if he/she is given a validated pass by the regular class teacher. The passes must be completely filled out in every instance and signed by the dismissing teacher. Once a student leaves the classroom to report to another classroom, he/she must go directly to that room. It is necessary for the receiving teacher to sign the pass. The student will not be readmitted unless the pass is signed. Pre-signed passes are regular passes that will be honored only if the teacher to whom the student is to report to has signed in advance. The student will be allowed to leave his/her assigned location to come to that teacher's location. No more than one student at a time should be allowed to leave the room for this preassigned purpose.

### **Infractions and Disciplinary Actions**

Commissioners Rules and Regulations (100.2) state, “A Discipline Code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, shall be publicized and explained to all students and provided to all parents on an annual basis.”

- a. insubordination - refusal on the part of the student to obey a reasonable request or to obey a direct order by a member of the staff
- b. profanity, verbal abuse, or verbal sexual abuse, bullying or harassment
- c. vandalism
- d. theft
- e. cheating
- f. forgery
- g. inappropriate classroom behavior
- h. truancy
- i. failure to complete class work and/or homework; coming to class unprepared repeatedly
- j. fighting
- k. not reporting to detention or misbehavior in detention
- l. intoxication, drugs, smoking, including electronic cigarettes or “vaping” products and devices
- m. tardiness (3 lates = 1 detention)

*Above will receive at least one detention; but circumstances could warrant several detentions, in-school suspension, out-of-school suspension, or legal penalties as per N.Y. State law. In-school suspension, out-of-school suspension will count as five (5) detentions.*

*Lesser offenses could warrant at least one or more detentions. More serious offenses could result in in-school suspension, out-of-school-suspension, and/or legal penalties as per N.Y. State Law.*

### **C. Referrals**

- 1. Counseling - The Pupil Personnel office shall handle all referrals of students to counseling.
- 2. PINS Petition - The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing and continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and lawfully possesses controlled substances in violation of Penal Law § 221.05 will be 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 Family Court:
- a. Any student under the age of sixteen who is found to have brought a weapon to school, or
  - b. Any student 14 or 15 years old who qualifies from juvenile offender status under the Criminal Procedure Law § 1.20(42).

## X. **Alternative Instruction**

When a student of any age is removed from class by a teacher or student of compulsory age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## XI. **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. Reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restraine 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.

Any complaint about the use of corporal punishment shall be submitted in writing to the school superintendent. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.

## XII. **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 and handle each case with fairness and consistency.

In addition, the Board authorizes the superintendent, assistant principal, the school nurse to conduct searches of students and their belongings if the County Attorney for a juvenile delinquency proceeding before 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 along with a witness may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for a very limited search.

An authorized professional staff member may search a student or a student's belongings based upon information received from a reliable source. Sources, other than district employees, will be considered reliable sources 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.

Before searching a student or a student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get 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 and students will be present when their possessions are being searched.

### **XIII. 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.

### **XIV. 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 a student if they have the following:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall 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 shall not be conducted. The principal or designee will also be present during any police questioning or search of 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.

## **XV. Child Protective Services Investigations**

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

The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending upon the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other appropriate district personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protection services worker or a 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 abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## XVI. Visitors to the School

The Board encourages parents and other district citizens to visit the school 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 superintendent 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 the school:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the superintendent upon arrival at the school. There they will be required to sign the visitors register and obtain and wear a name tag at all times while in the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or others 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.
5. Teachers and visitors are expected not to take class time to discuss individual matters.
6. Any unauthorized person on school property will be reported to the superintendent or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct. Staff restroom facilities for visitors are available. Visitors should not use the students' bathroom.

## XVII. 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 environment, it is necessary to regulate public conduct on school property and at school functions.

For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a peaceful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired.

## A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy 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 a school function that appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation 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 substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## B. Disciplinary Actions

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

1. Visitors authorization, if any, to remain on school grounds or at a school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with due process requirements.
3. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights they may have.
5. Staff members other than those described in subdivisions four and five shall 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 his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not impose an immediate threat of injury to persons or property, the principal or his or her designee shall also warn the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Disciplinary Action" section above. In addition, the district reserves the right to pursue a civil or criminal action against any person violating the code.

**VIII. Eligibility for overnight field trip attendance**

In order to attend an overnight field trip, students must receive, by consensus, approval of all 7 & 8 faculty members regarding effort, conduct, and attendance, and:

- ... be suspension-free (including in-school suspension)
- ... have less than eight detentions
- ... demonstrate that he/she is working at expected academic levels
- ... be free of incidents involving tobacco, drugs, and alcohol
- ... be free of incidents involving major infractions of the discipline code as listed on page 28 of this Code of Conduct.





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