

District Code of Conduct

2017-2018



Hampton Bays Union Free School District
86 East Argonne Road
Hampton Bays, New York 11946

Board of Education

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DISTRICT CODE OF CONDUCT

5300.05 INTRODUCTION

The Hampton Bays School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home and community. This Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- Identify, recognize and emphasize acceptable behavior;
- Identify, recognize and prevent unacceptable behavior;
- Promote self-discipline;
- Consider the welfare of the individual as well as that of the whole school community;
- Promote a close working relationship between parents/guardians and the school staff;
- Distinguish minor and serious offenses, as well as first time and repeated offenses;
- Provide disciplinary responses that are appropriate to the misbehavior;
- Outline procedures to ensure fair, firm, reasonable, and consistent administration;
- Encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- Comply with the provisions of federal, state and local laws, as well as the guidelines and directives of the New York State Department of Education, and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child. The parent/guardian may be called upon to actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication will be fostered by the school.

Disciplinary measures available to the administration of each school building include conferences, detention, in-school suspension, out-of-school suspension and administrative hearings with the designated hearing officer. Administrative hearings can result in out-of-school suspensions of more than five days and, in particularly serious cases, a student may be permanently suspended from school.

5300.10 DEFINITIONS

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

Disruptive Student - a 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 - the parent, guardian or person in parental relation to a student.

Removal - the act of a teacher or administrator in discontinuing the presence of the student in his/her classroom.

School Property - 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 §142 of the New York State Vehicle and Traffic Law and Education Law §11[1].

School Function - any school sponsored activity.

Suspension - the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes.

Violent Student - a student under the age of 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC §921) [any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device], as well as any other gun, BB gun, pistol, revolver, shotgun, 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.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

The Hampton Bays School District believes in the right of each child, between the ages of five and twenty-one years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of six and the school year through which he or she becomes sixteen are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension. In addition, there shall be an Athletic Contract to which all student-athletes are bound, the terms of which shall be developed and set for as a regulation to this policy, 5300-R.

Rights of Students

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- To be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- To learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- To participate in district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, disability or sexual orientation;
- To be informed of all school rules;
- Be guided by a discipline policy, which is fairly and consistently implemented.

In addition, students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, armbands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code".
3. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the

School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.

4. **Student Government** - Students are encouraged to participate in the various student governmental bodies, which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
5. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
6. **Privacy Rights [Search and Seizure]** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers, desks, or other storage devices assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student. School officials may search these areas at any time without prior notice or consent. Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.
7. **Pregnant Students** - During pregnancy and the period of pregnancy related disability, which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.
8. **Student Grievances and Complaints** - If a student has a grievance or a complaint about a school-related matter, a school employee or other school official, s/he may submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all

grievances and complaints within a reasonable period of time following receipt of the written appeal document.

Responsibilities of Students

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- To accept responsibility for his/her actions;
- To respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- To attend school on a regular and punctual basis;
- To complete class assignments and other school responsibilities by established deadlines;
- To show evidence of appropriate progress toward meeting course and/or diploma requirements;
- To respect school property, e.g. lockers, and help to keep it free from damage;
- To obey school regulations and rules made by school authorities and by the student governing body;
- To recognize that teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school-sponsored activities;
- To contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- To become familiar with this code and seek interpretation of parts not understood;
- To actively discourage inappropriate behavior of other students and report the incidents to the administration.

5300.20 ESSENTIAL PARTNERS

The Role of Parents

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- To recognize that the education of their child(ren) is a joint responsibility of the parent and the school community and to collaborate with the district to optimize their child(ren)'s educational opportunities..
- To show an enthusiastic and supportive attitude toward school and education;
- To build a good working relationship between themselves and their child;
- To teach their child self-respect, respect for the law, respect for others and for public property;
- To insist on prompt and regular attendance and only excusable absences;
- To listen to the views and observations of all parties concerned;
- To recognize that teachers merit the same consideration and respect that parents expect from their child;
- To encourage their child to take pride in his/her appearance, consistent with the rules of dress and grooming;
- To insist that their child promptly bring home all communications from school;

- To cooperate with the school in jointly resolving any school related problem;
- To set realistic standards of behavior for their child and resolve to remain firm and consistent;
- To help their child learn to deal effectively with negative peer pressure;
- To provide a place conducive for study and completion of homework assignments;
- To demonstrate desirable standards of behavior through personal example;
- To foster a feeling of pride in their child for their school;
- To provide support and positive reinforcement to their child.
- To inform the school of changes in the home situation that may affect student conduct or performance.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

The Role of School Personnel

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- Promote a climate of mutual respect and dignity, which will strengthen each student's positive self-image;
- Teach the common courtesies by precept and example;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Demonstrate desirable standards of behavior through personal example;
- Report violations of the Code of Conduct to the Building Principal or acting building principal;
- Immediately report and refer violent students to the Principal or superintendent of schools.

The Role of Teachers

Every teacher knows that s/he works every day with this nation's most precious commodity - the future generation. In view of this responsibility, the teacher must:

- Promote a climate of mutual respect and dignity, which will strengthen each student's positive self-image;
- Plan and conduct a product of instruction that will make learning challenging and stimulating;
- Recognize that some disciplinary problems are caused by a students' personal and academic frustrations;
- Utilize classroom routines, which contribute to the total instructional program and to the student's development of civic responsibility;
- Seek to develop close cooperative relationships with parents for the educational benefit of the student;
- Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- Teach the common courtesies by precept and example;

- Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
- Help students cope with negative peer pressure;
- Identify changing student behavior patterns and notify appropriate personnel;
- Enable students to discuss their problems with them;
- Send communications home promptly;
- Report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
- Treat students in an ethical and responsible manner;
- Help students to reach their maximum potential;
- Serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
- Explain and interpret the discipline code to students;
- Enforce the code in all areas of the school;
- Demonstrate desirable standards of behavior through personal example;
- Know the support services available to students and refer students who are in need of such services;
- Comply with state and federal educational law regarding confidentiality, corporal punishment and mandated reporting of suspected child abuse;
- In the event of removal from class, inform the student and the Principal of the reason for the removal;
- Immediately report and refer violent students to the Principal or superintendent of schools.

The Role of Building Administrators

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- Seek to develop a sound and healthful atmosphere of mutual respect;
- Evaluate the program of instruction in their school to achieve a meaningful educational program;
- Help their staff self-evaluate their procedures and attitudes in relation to the interaction within their classrooms;
- Develop procedures, which reduce the likelihood of student misconduct;
- Provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- Work with students and staff to formulate school regulations;
- Assist staff members to resolve problems, which may occur;
- Work closely with parents to establish a wholesome relationship between home and school;
- Utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- Establish necessary building security;
- Assume responsibility for the dissemination and enforcement of the “Code of Discipline and Responsibilities” and ensure that all discipline cases referred are resolved promptly;

- Ensure that students are provided with fair, reasonable, and consistent discipline;
- Comply with pertinent state laws governing hearings, suspensions, and student rights;
- Develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities”;
- Demonstrate desirable standards of behavior through personal example.

The Role of District Administrators

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
- Develop and implement an effective “Code of Conduct” supportable by students, parents, staff and community;
- Demonstrate desirable standards of behavior through personal example;
- Provide each teacher with a copy of the Code of Conduct.

The Role of the Board of Education

As the elected officials in charge of our schools, the Board of Education:

- Adopts the policies governing the District, including this code of conduct;
- Ensures that the code of conduct contains clear behavioral expectations and disciplinary consequences for students, staff and visitors;
- Ensures that the code of conduct is clearly communicated to students, parents, staff and the school community;
- Ensures that the code of conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- Annually reviews the code of conduct and updates it as necessary

5300.25 VISITORS TO SCHOOLS

The Board recognizes that the success of the school program depends, in part, on the support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his/her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors in the schools:

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 enter through the designated point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, 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.

3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, may not be not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the teacher and principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. 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.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.30 CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

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.

The best discipline is self-imposed, and those involved with the school must 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 educating students so they may grow in self-discipline.

No person, either singly or in concert with others, shall do the following:

- A. Engage in conduct that is disorderly. Examples include, but are not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in a willful act that disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in school buildings, other than the one they regularly attend, without permission from the administrator in charge of the building.

7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
 2. Inappropriate public sexual contact.
 3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
 4. Disruption to the orderly conduct of classes, school programs, or other activities.
- D. Engage in conduct that is violent. Examples include, but are not limited to:
1. Committing an act of violence, as defined, upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence, as defined, upon another student or any other person lawfully on school property 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. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples include, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct that creates a substantial risk of physical injury.
 2. 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.
 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.
 4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.

5. Harassment, which includes a sufficiently severe action or 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. Harassment is also the creation of a hostile environment (Reference Policy 0115).
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Bullying, which may be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. (Reference Policy 0115)
 8. Hazing, which includes an induction, initiation or membership process involving harassment (Reference Policy 0115).
 9. Selling, using, distributing or possessing obscene material.
 10. Using vulgar or abusive language, cursing or swearing.
 11. Smoking a cigarette, cigar, pipe, electronic cigarette or using chewing or smokeless tobacco.
 12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Illegal substances shall be referred to as alcohol/drugs and include, but not be limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
 13. Inappropriately using or sharing prescription and over-the-counter drugs.
 14. Gambling.
 15. Indecent exposure – lewd exposure of private parts of the body.
 16. 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.
- G. Engage in any form of academic misconduct. Examples include, but are not limited to:
1. Plagiarism
 2. Cheating
 3. Copying
 4. Altering records
 5. Assisting another student in any of the above actions

Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and s/he shall be directed to leave the premises. In the event of failure to do so, s/he shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, s/he shall be subject to ejection and/or arrest.

- If s/he is a student, s/he shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and this Student Code of Conduct.
- If a faculty member, s/he shall be subject to disciplinary action in accordance with Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, s/he shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, s/he shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

Enforcement Program

The Superintendent of Schools shall be responsible for the enforcement of these rules, and she/he shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises, which s/he occupies in such violation and shall initiate disciplinary action hereinbefore provided.

The Superintendent or his/her designee may apply to the public authorities for any aid which she/he deems necessary in causing the ejection of any violator of these rules and she/he may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

5300.35 OFF-CAMPUS MISCONDUCT

A student may be subject to discipline for conduct constituting a crime which is committed off of school premises or at non-school sponsored activities to the extent that the School Administration and/or Board of Education believes that the continued attendance in school of the student would adversely affect the education process (e.g. disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare or morals of the student and/or others in our schools. A student may be subjected to discipline for off-campus misconduct that does not involve criminality that the School Administration and/or the Board of Education believes has a nexus to the educational process (e. g. student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon School program or activities. Examples of such

misconduct include, but are not limited to cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic medium) or fighting.

5300.40 DRESS AND GROOMING

Students are expected to dress and groom themselves in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories and family and consumer science classes.

The following are considered to be inappropriate dress, grooming and appearance and are prohibited in school or at school functions:

- Any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- Any dress or appearance which is vulgar, lewd, obscene or indecent or profane or which exposes to sight the private parts of the body (e.g., t-Shirts with a phallic symbol and messages consisting of sexual metaphors; see-through garments, extremely plunging necklines or waistlines);
- Any dress or appearance which encourages or advocates the use of illegal drugs, alcohol and/or tobacco;
- Any dress or appearance which advocates or encourages other illegal or violent activities;
- Any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- The wearing of hats in the classroom as they are a sign of disrespect (unless worn for religious or medical reasons);
- Any dress or appearance that constitutes a disruption to the educational process.

5300.45 COMPUTER AND INTERNET USE

The following prohibited use of District-owned computer drives, network facilities and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

- E-mail or interaction on a Social Networking site originating from the school premises or received at the school premises that a student user creates that:
 - Is lewd, vulgar, obscene, indecent or inappropriate for student recipients of certain ages;
 - Conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
 - Constitutes a state and/or federal crime;
 - Is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
 - Attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials.
- Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
- Computer and/or Internet use that is not school related or is unauthorized.

- Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this code of conduct that occurs under the student's access code number.

5300.50 REPORTING VIOLATIONS

To School District Personnel

Students, teachers and other District personnel are encouraged to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal.

Teachers and other District personnel shall immediately report violent students to the Building Principal or Superintendent of Schools.

To Local Law Enforcement Agencies

The District will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct which constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the District will file a complaint in criminal court against the actor.

To Human Services Agencies

The District will report any violations of the Code of Conduct that constitute a crime when the actor is under the age of 16 to the appropriate human services agencies. When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

5300.55 DISCIPLINARY PENALTIES, PROCEDURES, & REFERRALS

Removal of a Student from the Classroom

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives). A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- The teacher must confront the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- Prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- The Building Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- The Building Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- Upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within 48 hours of the student's removal.
- The Principal or designee may not set aside the removal unless s/he finds that the charges against the student are not supported by substantial evidence or the student's removal otherwise violates law or the conduct warrants suspension from school and a suspension will be imposed.
- The determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

Student Suspension Process

The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- Exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or

- Is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

A. Pre-suspension Process

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short Term Suspension Process

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension.

Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, [at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian.] The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Board of Education prior to filing any further appeal and shall follow the same appeals timeline as found in Clause E of this section, "Appeals Process."

C. The Long-term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and

the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Building Principal, acting Building Principal or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this code of conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

D. Hearing Procedures

Notice of Hearing

In the event of the suspension, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated so that a proper defense may be placed upon the record on behalf of the student.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record) and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date and location of the hearing shall also be prominently set forth in the notice.

The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Building Principal, acting Building Principal, or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- That the District's and the student's representatives shall have the right to examine and cross-examine witnesses;
- That the student has the privilege against self-incrimination, but that if the student does testify, s/he shall be subject to cross-examination;
- That the District has the burden of proving the charges by a preponderance of the credible evidence;
- That a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and
- That the hearing shall be private or open to the public, as determined by the student's representative.

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- That the case will proceed by having the District present its evidence through witnesses and other evidence first;
- That the District's witnesses shall be subject to cross-examination by the student's representative; and
- That the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed. The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the five school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the five school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

E. Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.

5300.60 DISCIPLINARY MEASURES

The following constitutes appropriate disciplinary measures authorized by the Code of Conduct:

1. Warnings (oral or written)
2. Detention – teacher, administrator, lunch
3. Parent Notification
4. Police Notification with potential charges filed
5. Social Worker/Guidance Intervention
6. In-School Suspension
7. In-School Suspension and Administrative Detention
8. OSS (1-5 days) or OSS (+5 days with Superintendents Hearing)
9. Suspension of privileges
10. Financial restitution
11. Application of appropriate Board of Education policies
12. Required change of clothes and/or cover up
13. Suspension from school functions

NOTE: The repeating of an infraction may lead to the imposition of the next measure of discipline. Chronic repetition may lead to long-term or permanent suspension. A plain language summary is found at the end of this Policy.

5300.65 ALTERNATIVE INSTRUCTION

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately. Home instruction is defined as two hours of instruction per required subject area.

In the event that a student within the compulsory education ages of six and the school year in which s/he becomes sixteen is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

5300.70 SUSPENSION FROM TRANSPORTATION SERVICES

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

5300.75 SUSPENSION FROM EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES AND SCHOOL FUNCTIONS

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct, which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, s/he shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

5300.80 DISCIPLINE OF STUDENTS WITH DISABILITIES

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty. If guilt is determined, before a penalty may be imposed, the following rules shall apply:

Section 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter "§504")/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

IDEA Disability

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter “IDEA”) [a student with an educational disability], the Committee on Special Education (hereinafter the “CSE”) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made. The School District must continue to provide a free appropriate public education to students who have been suspended from school.

Suspensions Beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behavior underlying the disciplinary charges were not a manifestation of the student’s disability. A student classified as deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

1. The CSE has made a determination that the student’s misconduct was not related to the student’s disability;
2. The School District obtains a court order authorizing the suspension;
3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
4. The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under

§504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

Suspensions for Misconduct Involving Weapons and/or Drugs

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five (45) days (less if the discipline is for a non-disabled student would be less), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length.”
2. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student’s disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student’s IEP and enable the student to participate in the general curriculum (although in another setting). The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed the student’s “stay put” placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting.
3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

5300.85 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 prohibited. The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations.

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

- protect oneself, another student, teacher, or any person 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 the student has refused to refrain from further disruptive acts.

5300.90 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 copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.

2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code 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. On-going professional development will be included in the district's professional development plan, as needed.

Review of Code of Conduct

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

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

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Original, Adoption Date:	August 11, 2009	Update 4, Adoption Date:	August 13, 2013
Update 1, Adoption Date:	September 14, 2010	Update 5, Adoption Date:	August 12, 2014
Update 2, Adoption Date:	August 16, 2011	Update 6, Adoption Date:	August 25, 2015
Update 3, Adoption Date:	September 11, 2012		

<u>Reference:</u>	Education Law §§1708; 2801; 3214
	8 NYCRR §100.2(l)(3)
	Rules of the Board of Regents §19.5
	<i>Matter of O'Conner v. Bd. of Ed.</i> , 65 Misc. 2d 40, 43 (due process)
	<i>Appeal of Reeves</i> , Dec. No. 13,857 (1998) (involuntary transfer)
	<i>Appeal of Alexander</i> , 36 EDR 160 (1996) (counseling)
	<i>Matter of Troy R.</i> , 29 EDR 424 (1990) (automatic penalties)
	<i>Appeal of Ward</i> , 27 EDR 217 (1988) (indefinite suspension)
	<i>Appeal of Wood</i> , 27 EDR 92 (1987) (suspension beyond school year)
	<i>Matter of Clark</i> , 21 EDR 542 (1982) (extracurricular activities)
	<i>Matter of Caskey</i> , 21 EDR 138 (1981) (reduction in grade)
	<i>Matter of MacWhinnie</i> , 20 EDR 145 (1980) (reduction in grade)
	<i>Matter of Labriola</i> , 20 EDR 74 (1980) (excessive penalty)
	<i>Matter of Roach</i> , 19 EDR 377 (1980) (transportation; contingent suspensions)
	<i>Matter of Caulfield</i> , 18 EDR 574 (1979) (suspension from classes)
	<i>Matter of Wright</i> , 18 EDR 432 (1978) (formal due process)
	<i>Matter of Macheski</i> , 13 EDR 112 (1973) (suspension by a principal)
	<i>Matter of DeVore</i> , 11 EDR 296 (1972) (insufficient basis for discipline)
	<i>Matter of Port</i> , 9 EDR 107 (1970) (informal due process)
	<i>New Jersey v. TLO</i> , 469 U.S. 325 (1985)
	<i>People v. Scott D.</i> , 34 NY2d 483 (1974)

Bellnier v. Lund, 438 F.Supp. 47 (1977)
In Re Ronald B., 61 AD2d 204 (1978)
People v. Overton, 24 NY2d 522 (1967)
Opinion of Counsel, 1 EDR 800 (1959)
Horton v. Goose Creek Independent District, 690 F 2d 470 (1982)
Doe v. Renfrow, 631 F 2d 91, cert. den. 451 US 1022 (1981)
M.M. v. Anker, 477 F.Supp. 837, aff'd. 607 F.2d 589 (2d Cir. 1979)

US v. Albarado, 495 F 2d 799 (2d Cir. 1974)
People v. Haskins, 48 AD2d 480 (1975)
Opinion of Counsel, 1 EDR 766 (1952)

HAMPTON BAYS PUBLIC SCHOOLS CODE OF CONDUCT VIOLATIONS

VIOLATION	DEFINITION
Arson	Deliberately lighting a fire on school property
Assault	The threatening or actual causing of physical injury to another person
Assault on a school employee	The threatening or actual causing of physical injury to any school employee
Computer use violation	Student violation of the school policy on the use of computers
Computer vandalism	Student violation of the school policy on the care of computers
Cutting class, study hall, homeroom or detention	Willful absence
Dangerous acts	Any verbal threat or action, which poses a danger to the health, safety or welfare of students and/or staff
Destruction or defacement of school property and graffiti	Writing or drawing which defaces school property
Disruptive behavior	The interruption of the education process
Driving Violation	Approved HS students only: Speeding/reckless driving on school grounds, or failure to follow crossing guard's directives. <i>NOTE: 5 MPH Speed limit on school property</i>
Drug/alcohol possession or use	The possession, use or being under the influence of drugs or alcohol on school grounds or at school functions, on or off campus, or the possession of drug paraphernalia.
Drug/alcohol distribution or sale	When a student buys, sells, exchanges, gives or disburses drugs or alcohol to another or offers or agrees to do the same
Eating/Drinking	Eating and/or drinking is only permitted in the cafeteria during lunch periods and in the classroom, at teacher discretion only.
Electronic Devices	Students are not permitted to use or possess any of these devices during the instructional day.
False activation of alarm	Falsely activating fire alarm, bomb threat or other disaster alarm
Fighting	Aggressive, physical interaction
Forgery/Fraud	Willful misleading of school authority
Harassment/Bullying/ Discrimination/Defamation	Violation of human rights
Horseplay	Non-aggressive physical interaction
Inappropriate Dress/Clothing	Any clothing or apparel which: is dangerous or a health hazard (no outerwear shall be worn during the school day); contains offensive or obscene symbols, signs, slogans or words denigrating any person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation; contains language or symbols oriented toward violence, sex, drugs, alcohol, tobacco or vandalism. Any attire or grooming disruptive to the instructional process which may include, but is not limited to: bare midriffs, halter-tops, tube tops and any clothes insufficient to conceal undergarments at all times; short shorts, short skirts, dresses or pants that are tight or revealing; bare feet; hats, head covering, sun visors (except in common areas and the cafeteria during lunch periods); chains, dog collars, hanging chains and spikes.
In-School Suspension Violation	When a student violates In-School suspension requirements
Insubordination	Refusal to obey a reasonable request from any staff member, bus driver, food service worker, or an adult working in an official capacity at school.
Offensive materials/language	The use of language materials which is offensive in nature
Parking Violations	Approved HS students only: Parking in unauthorized areas
Public Displays of Affection	Public display of affection that goes beyond hand-holding.
School Tardiness	Arriving to school after the designated start time.
School Truancy	Unauthorized absence from school
Smoking on school grounds, school bus, or at a school activity	Possession of lit cigarette or exhaling smoke or surrounded by smoke. Also applies to a student seen in the process of throwing a cigarette away, or in the possession of cigarette paraphernalia, including electronic cigarettes.
Tardiness to class	Arriving to class after the bell has rung.
Threat	Saying "I want to kill someone, or I want to blow up the school"
Theft	Taking another person's/school's property
Trespassing	When suspended from school, being in the building, on school grounds, or at school events
Vandalism	The destruction of school or personal property
Weapons possession	The possession of any object that could be used to harm another person and/or the use of any object to harm a person

After the third offense, the student's action will be considered an act of administrative insubordination and treated accordingly.

HAMPTON BAYS PUBLIC SCHOOLS CODE OF CONDUCT CONSEQUENCES

Level	Offenses	Hearing/Appeal Process	Range of Consequences per Level (more than one may be used)
I	<ol style="list-style-type: none"> 1. Smart watches, radios, MP3 players, discman, cellular phones, lighters, laser pointers, laptops, etc. 2. Computer Use Violation 3. Cutting class, study hall, homeroom or teacher detention. 4. Eating/Drinking 5. Disruptive Behavior 6. Driving Violations 7. Horseplay 8. Inappropriate Dress 9. Insubordination 10. Loitering 11. Offensive Language/Materials 12. Public Display of Affection 13. School Tardiness or Tardiness to Class 14. Throwing food in the cafeteria 15. Discipline issue complicated by lying to teacher or administrator 	<p>Informal hearing before the Administrator imposing the disciplinary consequences and/or mediation.</p>	<ul style="list-style-type: none"> *Teacher oral warning *Teacher contact with parent *Detention with teacher *Administrative written warning *Administrative parental contact *Administrative detention *Social Worker/Guidance Intervention *Two days administrative detention *In-School Suspension *Suspension/revocation of Senior Privileges
II	<ol style="list-style-type: none"> 1. Continuing or repeating Level 1 Offences 2. Cutting Administration Detention 3. Forgery/Fraud/Academic Dishonesty/Plagiarism 4. Gambling 5. Harassment/Bullying/Discrimination/Defamation 6. Parking Violations 7. School Truancy 8. Smoking on school grounds/bus/school activity 9. Disorderly conduct in the cafeteria 10. Inappropriate language directed at an adult. 11. Disruptive Behavior 12. Filming of photographing a staff member 	<p>Informal hearing before the Administrator imposing the disciplinary consequences and/or mediation.</p>	<ul style="list-style-type: none"> *In-School Suspension *Administrative Detention *Suspension/revocation of Senior Privileges *Suspension from all school functions for up to ten weeks *Referral to Youth Court *Out-of-School Suspension *Parking Suspension/Revocation
III	<ol style="list-style-type: none"> 1. Continuing or repeating Level II offenses after prior corrective measures have been taken. 2. Dangerous Acts 3. Destruction or defacement of school property & graffiti 4. Fighting 5. In-school suspension violation 6. Vandalism 7. Hazing 8. Theft 9. Filming an altercation or disturbance 	<p>Superintendent's Hearing as provided by law.</p>	<ul style="list-style-type: none"> Level I & II Consequence and *Police Notification *Restitution to individual or school *Suspension from all school functions for remainder of semester *Suspension from all school functions for remainder of school year *Out-of-School Suspension *Referral to Youth Court *Potential Financial restitution *Potential criminal and/or civil lawsuits
IV	<ol style="list-style-type: none"> 1. Conduct so serious that it requires more than Level III consequences 2. Arson 3. Assault 4. Drug/alcohol possession, distribution, sale, use or being under the influence of. 5. Possession, distribution, sale or use of drug/alcohol paraphernalia 6. False activation of alarms, bomb threat, riot 7. Weapons possession or use 	<p>Superintendent's Hearing as provided by law.</p>	<ul style="list-style-type: none"> Level I, II & III Consequences and *Out-of-School Suspension *Superintendent's Hearing *Board of Education policy applies *Potential criminal charges, juvenile delinquency petitions.

Athletic Contract

Participation in interscholastic athletics is a privilege. Students wishing to take advantage of the opportunities presented to them by the Hampton Bays School District must show a commitment to the athletic program by regular attendance at practices and contests, as well as conformity to the rules established by the district and coach. The privilege of competing in interscholastic athletics in the Hampton Bays UFSD requires that each athlete adhere to a number of conditions that enhance their commitment to his/her school and community, family, coaches, and himself/herself. Poor sportsmanship and other behavior unbecoming an athlete representing Hampton Bays, including misconduct or unlawful conduct on or off school grounds, failure to comply with the Student Code of Conduct (Handbook) and/or this Athletic Contract may result in disciplinary action, suspension and/or dismissal from the interscholastic athletic program. Student athletes are accountable for all athletic regulations throughout the year, **including the summer months**.

A. Student Rights

Students participating in an Interscholastic Athletic program are governed by the rights, protection and responsibilities as prescribed by the New York State Athletic Association, Section XI and the Hampton Bays School District policies and guidelines. Athletics is a privilege not a right.

B. Students Responsibilities

Students earn the privilege of participating in athletics based on good citizenship, accepting responsibility and maintaining appropriate behavior in school, at school events and outside of school. The Board of Education, faculty, staff and administration of the Hampton Bays School District strongly believe that all students should be accountable for their actions. Participants are required to conform to the rules and regulations of their school, Section XI, and to conduct themselves in a safe and sportsmanlike manner. Athletes and their parents are responsible to review the student handbook and Code of Conduct and be aware of its content.

C. Eligibility

- Athletic candidates must be a bona fide student and adhere to the N.Y.S.P.H.S.A.A. rules and regulations.
- Athletic candidates must have completed a sports physical and be approved for interscholastic athletic competition by the school approved medical authority prior to participation. To resume participation following an illness and/or injury serious enough to require medical care, a student must present to the school official a physician's written release to resume play.
- A student shall be eligible for interscholastic competition for four consecutive years in grades 9, 10, 11 and 12 until his/her nineteenth birthday. If the age of nineteen years is reached on or after July 1, the students may continue to participate during that school year in all sports.
- A student in grade 7 or 8 who is selected to participate at the Varsity or Junior Varsity level must pass selection/classification before being able to compete.
- Reside with the parents, the parent with legal custody, or a court appointed guardian who has acted in such a capacity for a period of six months or more.
- Not accept cash awards or compensation more than \$250, or have ever signed a contract with or played for a professional athletic organization.
- Be prepared, dressed, and participate in Physical Education class to participate or play in an athletic event.

D. Substance Abuse

The possession and/or use and /or being under the influence of any tobacco product, alcohol, illegal drug, steroids, or any legal drug or controlled substance for which the individual does not have a legitimate purpose and authorization of his/her parent/legal guardian or a medical professional and the approval of the District, at any time or place, shall result in disciplinary action which may include suspension from the team for a period of time, suspension from the team for the remainder of the season, or suspension from participation on any athletic team for the remainder of the school year or longer. (suspensions may carry over to the next sport season in which the student participates). In addition, such conduct by an athlete may also be referred to the Building principal and/or Superintendent of School for disciplinary consequences pursuant to NYS Educational Law, Section 3214.

E. Hazing–Initiation Ceremony (A Crime in New York State)

A person is guilty of hazing when, in the course of another student’s entry into or affiliation with any team or club, s/he intentionally or recklessly engages in conduct which creates a risk of physical injury, emotional harm or a feeling of intimidation toward others. This includes, but is not limited to, physical harm, threatened harm, harassment, ridicule, criticism and causing the victim to damage public or private property. Any type of “initiation or hazing” is prohibited. Athletes who violate the hazing rules will be subject to discipline and may be subject to criminal action.

F. Academics

The primary function of the school is to provide each student with a basic education. Therefore, the Principal or administration reserves the right to remove a student from a team if that student is not performing academically as explained in the Hampton Bays UFSD extra-curricular academic eligibility requirements.

G. Attendance

- If an athlete is absent or suspended, s/he may not participate in any practice, scrimmage, or game on that day.
- If an athlete signs in after 9:04 a.m. in the High School and after 9:26 a.m. in the Middle School, with a non-excused absence, they may not participate in any practice, scrimmage, or game on that day.
- No student may quit one sport and then participate in another once teams have been selected.

In addition, any student leaving school for reasons other than medical, legal, or educational/school related will not be allowed to participate in any after-school activities regardless of the time that he/she returns to school. Students leaving for medical, legal, or educational/school related reasons must bring in documentation from their health care professional, attorney, or educational institution and submit it to the principal/administration, upon return, in order to be permitted to participate in any after school activity.

H. Equipment

The care of team equipment is each athlete’s responsibility. Each piece of equipment issued to an athlete must be returned. Any athlete who “owes” the return of a piece of equipment or payment for a piece of equipment may not participate in any scrimmages or contests until the equipment is returned or restitution is made.

I. Injuries

All injuries should be reported to the coach as soon as possible so that treatment may begin immediately and necessary insurance regulations complied with.

J. Assumption of Risk

Injury, including”, but not limited to, permanent physical injury,” paralysis or death, is a risk that must be assumed when engaging in sports; accordingly, it is acknowledged that the athlete assumes the risk of such injury or death and in consideration of the District permitting participation in interscholastic athletics, the student-athlete and his/her parents/guardians agree not to hold the District liable for any such injury, including death.

K. Reporting a Violation for Code of Conduct and Athletic Rules and Regulations

Any athlete observed exhibiting, or reliably reported to have exhibited, conduct unbecoming an athlete shall be investigated and may be referred to the Athletic Director. Any individual may make such a report; however, anonymous reports shall not be accepted for investigation without corroboration from additional evidence. Where the matter is referred to the Athletic Director, he/she will conduct an investigation of the allegation of conduct unbecoming an athlete and determine what disciplinary action, if any, shall be imposed.

L. Consequences for Violating the Districts Code of Conduct

The District adheres to a three-tiered approach regarding consequences to violations of the Athletic Contract. The three tiers of consequences are intended to facilitate the goals of an educational institution to alert, inform, and provide an opportunity to learn from mistakes and be successful with future choices. The Athletic Contract will be in effect from the beginning of the student athlete’s initial interscholastic participation through the student athlete’s high school graduation, including summer months. The beginning of the season is defined as the first day of practice.

The disciplinary actions noted are advisory recommendations. The Athletic Director and/or administration have the authority to depart from these recommendations based on the nature of the offense and the disciplinary records of the involved student athletes. As a general rule, discipline will be progressive and subsequent violations occurring during the same school year will result in increased penalties for the student athlete.

A violation of the rules typically will result in the following:

- First Offense: Suspension from participation in 20% - 30% of the regularly scheduled contests of the team on which he/she is playing. Participation in the Mandatory Educational Program if deemed appropriate given the nature of the misconduct. (See below)
- Second Offense: Suspension from participation in 50% to 60% of the regularly scheduled contests of the team on which he/she is playing. Participation in the Mandatory Educational Program, if deemed appropriate given the nature of the misconduct. (See below)
- Third Offense: Dismissal from the team for a period up to one calendar year or permanent suspension from all athletic programs for the duration of the student's school career.

In addition to the disciplinary consequences, the student athlete also may be required to perform community service or attend Southampton Youth Court as determined by the administration.

Final decisions are appealable to the Principal, then the Superintendent of Schools and then Board of Education.

Mandatory Education Program: Any student athlete that violates the regulations for drug and/or alcohol use will be required to participate in a substance abuse Educational program developed or approved by the Hampton Bays UFSD. A failure to participate in this program shall result in continued athletic suspension until this requirement is met.

Carry-over: If the duration of the consequences goes beyond the end of the current season, it will carry over to the next season in which the student participates. It will not effect the try-out period for the next season.

Suspensions: Suspensions apply only to regularly scheduled contests or events and do not include scrimmages.

Loss of Leadership Positions: Any violation of the rules could result in loss of team captaincy and other leadership positions. Athletes who violate the rules may be ineligible for post-season awards from HBUFSD.

Self-Referral – 1st offense only: In recognizing the importance of the values of honesty and integrity, any first time violations that are self or family reported, prior to the district's initiation of an investigation and/or disciplinary proceedings against the student athlete, typically will receive a reduction of penalty of 50%.

Implementation of Suspension: Suspension shall begin immediately after the athlete is determined to be in violation of the District's Code of Conduct and/or Athletic Contract. All violations of the Code of Conduct and/or the Athletic Contract shall be maintained in the student athlete's athletic record and the history of violations shall be considered when determining appropriate sanctions for misconduct. During the period of suspension, a student athlete shall attend all practices and shall be allowed to participate in practice. On game days, the suspended student athlete will be expected to attend the athletic contest and sit on the bench.

M. Athletic Rules Governing Substance Abuse

On or off school grounds, no athlete shall use, be in possession of or under the influence of any controlled substance, including but not limited to alcohol, and/or tobacco products, steroids or any other performance enhancing substances, inhalants or any drug paraphernalia, except by lawful prescription.

Parents, by law, may not host or participate in social functions where controlled substances (incl. alcohol) are being used by minors, including functions held at an adult's property without the owner present.

We have read, fully understand and agree to fully abide by the terms of the Athlete's Contract.

 Date Students Name (Print) Grade Age Student Signature

 Date Parent's / Guardian (Print) Parent/Guardian Signature

 Date Parent's / Guardian (Print) Parent/Guardian Signature

We also understand that participation in interscholastic athletics involves an element of danger and risk of personal injury, and we have chosen to participate with that awareness in mind.

Check the sports you plan to participate in during the upcoming school year.

A student-athlete may change their mind at the beginning of each season.

<u>FALL</u>		<u>HIGH SCHOOL</u>		<u>WINTER</u>		<u>SPRING</u>	
Boys Soccer	_____	Boys Basketball	_____	Baseball	_____		
Football	_____	Wrestling	_____	Boys Lacrosse	_____		
Golf	_____	Girls Basketball	_____	Boys Tennis	_____		
Cross Country	_____	Girls Winter Track	_____	Track & Field	_____		
Girls Volleyball	_____	Boys Winter Track	_____	Softball	_____		
Field Hockey	_____	BK Cheerleading	_____	Girls Lacrosse	_____		
Gymnastics	_____						
Girls Soccer	_____						
Girls Tennis	_____						
FB Cheerleading	_____						

<u>FALL</u>		<u>MIDDLE SCHOOL</u>				<u>SPRING</u>	
		<u>EARLY WINTER</u>		<u>LATE WINTER</u>			
Boys Soccer	_____	Boys Basketball	_____	Wrestling	_____	Baseball	_____
Football	_____	Girls Volleyball	_____	Girls Basketball	_____	Boys Lacrosse	_____
Cross Country	_____					Boys Tennis	_____
Golf	_____					Track & Field	_____
Girls Soccer	_____					Softball	_____
Girls Tennis	_____					Girls Lacrosse	_____

Effective Date: September 14, 2010