

RANDOLPH CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

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Board of Education
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CODE OF CONDUCT

I. Introduction

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

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

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

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

II. Definitions

For purposes of this code, the following definitions apply:

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Parent” means parent, guardian or person in parental relation to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle (Education Law §11[1]).

“Violent Student” means a student under the age of 21 while on school property or at a school function who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an action of violence upon another student or any other person lawfully on school property or at the school

- function, or attempts to do.
3. 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.
 4. Knowingly and intentionally damages or destroys school district property.
 5. Possesses, while on school property or at a school function, a weapon.
 6. Displays, while on school property or at a school function, what appears to be a weapon.
 7. Threatens, while on school property or at a school function, to use a weapon.

“Weapon” means a firearm as defined in 18 USC SS921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, knife, 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.

“Fraternization” means inappropriate behavior including, but not limited to, flirting, making suggestive comments, dating, requests for sexual activity, physical displays of affection, giving inappropriate personal gifts, frequent personal communication (via phone, e-mail, text messaging, letters, notes, etc.) unrelated to the sport or official school matters, inappropriate touching, or engaging in sexual contact and/or sexual activity. Students must establish appropriate personal boundaries and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

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

“School Function” means a school sponsored extracurricular event or activity (Education Law §11[2]).

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Sexual Orientation” means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11[8], that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/ or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. (c) Such definition shall include acts of harassment or bullying that occur: on school property, at a school function, or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions (Education Law §11[7]).

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Race” means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

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

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

“National Origin” means a person's country of birth or ancestor's country of birth.

“Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

“Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

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

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

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

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

“Cyberbullying” means harassment or bullying by any form of electronic communication, and include incidents occurring off school property that create or would foreseeably create a risk of substantial disruption within the school environment.

“iLearning” means any form of instruction not in a traditional classroom setting.

III. Student Rights and Responsibilities

A. Student Rights

1. Attend school in the district in which his/her parent or legal guardian resides.
2. Express his/her opinions verbally or in writing.
3. Expect the school to be orderly and a safe environment conducive to learning.
4. Be represented by an active student government selected by free school elections.
5. Be afforded equal and appropriate educational opportunities.
6. Be afforded the opportunity to participate in extracurricular activities.
7. Have access to school rules and when necessary, receive an explanation of school rules from school personnel.
8. Have access to relevant and objective information concerning drug and alcohol abuse, and access to individuals or agencies capable of providing direct assistance to students with personal problems.
9. Have his/her student records available for inspection by his/her parent or legal guardian upon request, or by the student him/herself if 18 years or older.
10. Be free from unreasonable intrusion upon his/her person or property by school personnel and/or police agencies.
11. Be free from discriminatory practices.
12. Be respected as an individual entitled to his/her personal dignity and integrity.

B. Student Responsibilities

1. Attend school, complete iLearning or any type of remote learning requirements, daily and be on time to all classes, except when ill.
2. Express his/her opinions and ideas in a respectful manner.
3. Be aware of rules and expectations regulating student behavior, dress appropriately, and respect the property of others.
4. Take an active part in student government by running for office or voting for the best candidate.

5. Be aware of available educational programs and strive toward the highest level of achievement.
6. Be aware of all the rules and expectations and conduct him/herself in accordance with them.
7. Be aware the Code of Conduct may be obtained at the school office.
8. Be aware of the information and services available and to seek assistance in dealing with personal problems.
9. Be aware of right to access and guidelines governing such access.
10. Be aware of actions which constitute wrong doing and refrain from such acts.
11. Refrain from participating in any discriminatory practices against others.
12. Demonstrate appreciation for dignity and integrity to all.

IV. Essential Partners

The Randolph Central School District Essential Partners have the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school, regularly, on time, and ready to participate and learn.
3. Support their child(ren) in iLearning or any remote learning requirements.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with student dress code.
6. Help their children understand that in a democratic society, appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their children to understand them.

8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are done and done well.

B. Teachers, Support and Service Staff

All teachers, support and service staff serving the district is expected to:

1. Maintain and communicate a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Know school policies and rules, and enforce them in a fair and consistent manner.

C. Counselors

1. Regularly assist students to review their educational progress, career plans, and to cope with peer pressure, personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/conferences as necessary, as a way to resolve problems.
3. Encourage students to benefit from the curriculum and extracurricular programs.

D. Principals

1. Promote and communicate a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Support the development of and student participation in appropriate extra-curricular activities.
3. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with the building principals and appropriate staff the policies of the board of education and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with the building principals and appropriate staff in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color,

weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

2. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
3. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention committee along with student council.
4. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

G. Board of Education

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

V. STUDENT DRESS CODE

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

The following guidelines must be adhered to regarding appearance while attending Randolph Central School, iLearning, or any type of remote learning sessions:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Clothing that is too revealing as deemed by administration.
3. Ensure that underwear is completely covered with outer clothing.
4. Wear footwear at all times. Footwear that is a safety hazard will not be allowed.
5. No hats, hoods, headwear of any kind or sunglasses are to be worn during the school day, except when required for medical or religious reasons.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Backpacks should remain in your locker unless part of a student's individual learning plan. District provided computer bags or an approved computer bag will be permitted

The Building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress

code made during the school year.

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

Randolph Central School reserves the right to update and alter the above guidelines as situations warrant. All decisions made by Randolph Central School administration with regards to dress guidelines are final and must be adhered to.

VI. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities, school vehicles, and school equipment. These expectations are for traditional in-school learning as well as iLearning or any remote learning. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students are responsible for maintaining their own good conduct. Self-discipline is essential to the effective operation of the school and toward the total development of every student. All school personnel are given the authority to use their judgment concerning the elimination of undesirable behavior through consultation, talks, etc. with students and/or parents prior to referral to administration. Referral to administration calls for the immediate invoking of penalties.

Range of Penalties include:

Jr./Sr. High Range of Penalties Include:

- Level I - Talk with student and/or parent
- Level II – Lunch Detention/After School Detention/In-school/Detention/Suspension
- Level III - Loss of privileges/payment for damages
- Level IV - Out of school suspension (1-5 days)
- Level V - Superintendent's Hearing

Elementary Range of Penalties Include:

- Level I – Teacher talks with student
- Level II – Loss of privileges
- Level III – Teacher talks with parent
- Level IV – Principal talks with parent
- Level V – In-School detention/suspension (1-5 days)
- Level VI – Out of School suspension (1-5 days)
- Level VII – Superintendent's Hearing

The penalties usually will follow from minimum to maximum in accord with the number of violations. However, there may be situations to immediately invoke a higher-level disciplinary action due to the nature and/or degree of the inappropriate behavior. These penalties are described in greater detail in Section VII.

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

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 and vehicular misconduct.
5. Engaging in any act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in the building after or before normal school hours without permission of a teacher, principal, or superintendent.
7. Computer/electronic communications misuse, including cell phones, pagers, headsets and CDs, any unauthorized use of computers, software, internet/intranet account, or any personal technology or electronic device, accessing inappropriate websites, inappropriate use of social media, or any other violation of the district's acceptable use policy. This list is not meant to be all-inclusive.

Penalty Range:

Jr./Sr. High Levels I through V
Elementary Levels I through VII

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

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention or Mandatory Guided Study.
4. Speaking out of turn.
5. Horseplay.

Penalty Range:

Jr./Sr. High Levels I through V
Elementary Levels I through VII

C. Engage in conduct that is violent or destructive. Violence will not be tolerated based on, but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Examples of such conduct include:

1. Committing an act of violence (which can include, but is not limited to, in certain circumstances, hitting, shoving, kicking, punching, scratching, and/or throwing an object) upon a teacher, administrator, or other school employee, or attempting to do so.
2. Committing an act of violence (which can include, but is not limited to, in certain circumstances, hitting, shoving, kicking, punching, scratching, and/or throwing an object) upon another student, or any other person on school property or attempting to do so.
3. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person on school property, including graffiti or arson.
4. Intentionally damaging or destroying school district property.
5. Threatening staff.
6. 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.

7. Displaying what appears to be a weapon.
8. Threatening to use any weapon.

Penalty Range:

Offenses 1, 2, 3, & 4: The Penalty Range is:

Jr./Sr. High Levels II, III, IV & V
 Elementary Levels VI & VII

Offenses 5, 6 & 7: The Penalty Range is:

Refer to minimum suspension period on page 20.

D. Engage in any conduct that endangers the safety, morals, health or welfare of self and/or others. Examples of such conduct include:

1. Stealing the property of students, school personnel, or other person on school property or attending a school function.
2. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group, which demeans them.
3. Discrimination, which includes but is not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex as a basis for treating another in a negative manner.
4. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
5. Intimidation/Bullying, which includes actions or statements that put an individual in fear of harm.
6. Cyberbullying, which includes any form of electronic communication on school or off school property that creates or would foreseeably create a risk of substantial disruption within the school environment.
7. Hazing, which includes any intentional or reckless act against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. (Policy #7412)
8. Selling, using, or possessing obscene material.
9. Gambling.
10. Indecent exposure, that is, exposure to sight of the private parts of the body.
11. Fraternalization with any staff member.
12. Inappropriately using or sharing over-the-counter drugs.
- ~~13. Consumption of energy drinks during school hours is prohibited.~~
134. Using inappropriate gestures, vulgar or abusive language, cursing or swearing against a staff member.
145. Use or possession of tobacco or tobacco substitute (which includes but is not limited to electronic smoking devices, nicotine patches, nicotine gum).
156. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
167. Possessing, consuming, reasonable suspicion of being under the influence of drugs or alcohol, selling, offering, manufacturing, distributing or exchanging alcoholic

beverages, —or illegal substances or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, PEDS (performance enhancing drugs), and any synthetic version thereof, whether specifically illegal or not, commonly referred to as “designer drugs” which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.

Offenses 1-17 the Penalty Range is:

Jr./Sr. High Levels I through V
Elementary Levels I through VII

- E. Engage in misconduct while on a school bus.** Excessive noise, pushing, shoving, fighting, and inappropriate language will not be tolerated. Students are required to conduct themselves on the bus consistent with established standards for classroom behavior. To get off the bus other than the regular stop, a student must give their driver an approved bus note from the main office. On special bus trips students are required to return on the bus unless a parent, in person, requests from the chaperone that his/her child accompany him home.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- F. Display of Affection:** Kissing, petting, or overt displays of affection.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- G. Engage in any form of academic misconduct.** Examples of academic misconduct include: Plagiarism, cheating, copying, altering records, and assisting another student in misuse of computers or any of the other actions. Academic penalty may also result in loss of credit for the academic assignment in question.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- H. Vehicle Violations** - Parking in unauthorized areas, vehicle not registered with school, and speeding or reckless driving. All state laws and regulations pertaining to school property shall be observed by drivers, students and school personnel. It is unlawful for a driver to pass a stopped school bus when the red bus signal is in operation.

Penalty Range:

Sr./Jr. High Levels I through V

- I. Illegal Entry:** Entry to school property or iLearning/remote learning session that has not been authorized.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- J. Health Services** – Students who become ill must report to the nurse who will decide what is to be done. Students may not leave the building without authorization. If the nurse is not in, students are to report to the main office. All student medications that must be taken during the school day must be approved by the nurse and follow all carry and self-administration guidelines.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- K. Cafeteria** - All pupils whether they bring their lunch or plan to buy it, must eat in the cafeteria unless excused with a pass. Show good manners at all time. Students are encouraged to take pride in their beautiful school building and campus. All damage to or loss of, school property will be charged to the student.

Penalty Range:

Sr./Jr. High Levels I through V
Elementary Levels I through VII

- L. Truancy:** Absence from school, classes and other assignments without sufficient reason.

Penalty Range:

Sr./Jr. High Levels I through V. ~~Teachers are not obligated to administer make-up quizzes, tests, etc., given on days of truancy.~~
Elementary Levels I through VII.

- M. Illegal Absence:** Absences from school with the knowledge and consent, stated or implied, of his/her parents for other than legal reasons. Such excused as the following come under this heading: visiting, away, vacation, shopping, needed at home, caring for baby, work, no shoes, overslept, etc.

Penalty Range:

Sr./Jr. High Levels I through V. ~~Teachers are not obligated to administer make-up quizzes, tests, etc., on days of illegal absence.~~
Elementary Levels I through VII.

- N. Tardy to School Procedures - Policy #7110**

- a. Late arrival to class on a regular basis
- b. Late arrival to school (student must be in homeroom by 7:55 AM for the high school)
Illegal Tardiness – illegal tardiness is a late arrival to school by a student with/without the knowledge and consent, stated or implied, of his/her

parent/guardian for other than legitimate reasons. Upon the 4th and thereafter, lunch detention will be assigned. Such excuses as the following come under the illegal heading: visiting, shopping, work, overslept, etc.

Penalty Range:

Sr./Jr. High Levels I through V.
Elementary Levels I through VII.

O. Cell Phones:

- a. Grades PK to 6 – cell phone use is prohibited. Cell phone must be kept in locker or bag and turned off.
- b. Grades 7 to 12 – cell phones allowed in hallways and cafeteria. Classroom use is up to individual teacher discretion.

Penalty Range:

Elementary and Sr./Jr. High – phone will be confiscated by faculty/staff and brought to the main office. A parent will be notified to pick up the phone.

P. iLearning or any type of remote learning: As a virtual learning student, there are additional rules and expectations regarding prior online etiquette in place in order to protect all students and all staff members. Access to remote learning must be used in a responsible, safe, efficient, ethical, and legal manner. Examples of such conduct include, but not limited to:

1. Sending or posting discriminatory, harassing, or threatening messages or images.
2. Stealing, using, or disclosing someone else's code or password without authorization.
3. Copying, pirating, or downloading software and electronic files without permission.
4. Sending or posting confidential material, trade secrets, or proprietary information outside of the organization.
5. Violating copyright law.
6. Participating in the viewing or exchange of pornography or obscene materials.
7. Sending or posting messages that defame or slander other individuals.
8. Attempting to break into the computer system of Randolph Central School, another organization, or person.
9. Disturbing the virtual Learning Environment.
10. Refusing to follow the rules of the specific Virtual Learning Classroom.
11. Unmuting yourself when your teacher has placed you on mute.
12. Recording any class session and transmitting it.
13. Recording your teacher and/or classmates.
14. Found in violation of any school rule while participating in iLearning or remote learning.
15. Engaging in any other illegal activities.

Penalty Range:

Jr./Sr. High Levels I through V
Elementary Levels I through VII

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the principal, or superintendent. Any person observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately.

All district staff is expected to promptly report violations of the code of conduct, which they are unable to resolve, to their supervisor in a prompt, fair and lawful manner. The supervisor shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

All students and district staff are expected to promptly report any discrimination, harassment and/or bullying situation to the Dignity Act Coordinator of that school.

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

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

The Dignity Act Coordinator will collect and record all incidences of discrimination, harassment and bullying. This reporting mechanism may help form the basis for collecting data that can be useful in assessing school climate.

VIII. Disciplinary Penalties, Procedures, and Referrals

A. Disciplinary action

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. The principal or his/her designee is to sign all forms of disciplinary action. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, there may be situations to immediately invoke a higher-level disciplinary action due to the nature and/or degree of the inappropriate behavior.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability.

B. Procedures

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

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

1. Detention

Teachers, principals, and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would not be appropriate. Detention hours are from 2:55 PM to 3:55 PM. If a student is tardy for detention, another detention period is added. If a student misses a night of detention, In-School Suspension (ISS) will be assigned due to insubordination and the original detention will be served the following day. The student will also be socially ineligible for two weeks from the day ISS was assigned. Transportation is provided. A note is sent to parents notifying them of the detention.

2. Suspension from transportation

If a student's conduct is not proper on the bus, the bus driver is expected to bring such misconduct to the principal's attention. Students may have their riding privileges suspended by the principal or superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal or the principal's designee to discuss the conduct and the penalty involved. Procedures for Section 3214 will be followed.

3. Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities, or other privileges is not entitled to a full hearing pursuant to Ed. Law SS3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the principal and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation to serve "in-school suspension". In-school suspension is a designated period of supervised study held during the regular school day. Students shall work in isolation from the general student body for the entire period of suspension.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Ed. Law SS3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "Time Out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only (including the day that the removal is imposed).

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the student does not warrant immediate removal because behavior is now in control. After the informal discussion the teacher may remove a student from class.

The principal may require the teacher who ordered the removal to attend the conference.

If at the informal meeting the student denies the charges, the principal or designee must explain why the student was removed and give the student and the parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual consent of the parent and the principal.

The principal or designee may overturn the removal of the student from class if the principal finds any one of the following:

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

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

Any disruptive student removed from a classroom by the classroom teacher shall be offered continued educational programming and activities until permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from class until he or she has verified with the principal or the CSE chairperson that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students

who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. Re-admission to school after a suspension period may require a conference among student, parent, and principal. During a suspension, a student is under parental supervision and shall not participate in school activities or attend extra school activities.

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

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

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

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

When the superintendent or principal proposes to suspend a student charged with misconduct for 5 days or less pursuant to Education Law SS3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24-hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

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

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

threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

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

b. Long-term (more than 5 days) suspension from school

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

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as

where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel, or any other person lawfully on school property or attending a school function.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

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

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered on modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by the teacher(s) pursuant to Education Law

§3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law
- b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition

3. Juvenile Delinquents, Juvenile Offenders and Adolescent Offenders

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

Any student under the age of 18 who is found to have brought a weapon to school, or any student 13-17 years old who qualifies for juvenile offender, juvenile delinquent, or adolescent offender status under the Criminal Procedure Law SS1.20(42).

The superintendent is required to refer student’s age 18 and older or any student 13-17 years old who qualifies for juvenile offender, juvenile delinquent, or adolescent offender status to the appropriate law enforcement authorities.

IX. Alternative Instruction

When a student of any age is removed from class by a teacher or any student of compulsory attendance

age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

X. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Education Law §3214.

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

An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The board, the district superintendent (BOCES) of schools, or the principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days, and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent

determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but no more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - i. “Weapon” means the same as “dangerous weapon” under 18 U.S.C. SS 930 (g)(w) which includes “a weapon, device, instrument, material or substance that is used for, or is readily capable of causing death or serious bodily injury.
 - ii. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - iii. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

B. Change of Placement Rule

- 1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
 - a. No more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving possession, transport or use of illegal drugs or controlled substances.

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

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

- b. A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

- c. Conduct a manifestation determination review of the relationship between the students' disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
 - d. If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.
 - e. The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others. The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a. superintendent or principal, imposing a suspension or removal, shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student shall not be considered a student presumed to have a disability for discipline purposed if, upon receipt of information supporting a claim that the district had knowledge that the student was a student with a disability, the district either:
 - i. conducted an individual evaluation and determined that the student is not a student with a disability, or
 - ii. determined that an evaluation was not necessary and provided notice to the parents of such determination, in a manner required by law and

regulations.

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

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

3. The district shall provide parents with notice if disciplinary removal no later than the date in which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with a disability subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five consecutive school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that results in a disciplinary change in placement, unless the CSE determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

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

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

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

- 1. The district may report a crime committed by a child with disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- 2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be reasonably used, reasonable physical force may be used to:

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

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

XII. Student Searches and Interrogations

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty upon a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials.

In addition, the board authorizes the superintendent, principal and school nurse (upon direction from the superintendent or principal) to conduct searches of students and their belongings if reasonable suspicion exists that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possess physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

A. Student Lockers, Desks, and other Storage Places

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

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about the search:

1. Name, age, and grade of the student searched.
2. Reasons for the search.
3. Name of an informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his/her title and position.
7. Witnesses, if any, to the search.
8. Time and location of the search.
9. Results of the search (that is, what items were found).
10. Disposition of items found.
11. Time, manner, and results of parental notification.

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

C. Police Involvement in Searches and Interrogations of Students

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

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

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

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation

of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will, where appropriate, cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the superintendent or designee. The superintendent or designee shall set the time and place of the interview. The superintendent or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending upon the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any clothing in order for the child protective services worker to verify the allegations, the school nurse or doctor must be present during that portion of the interview. No student may be required to remove clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not removed from school before a court order and reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIII. Visitors to the School

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

1. Anyone not a regular staff member or student of the district will be considered a visitor.
2. All visitors to the school must report to the office upon arrival in the building. There they will be required to sign the visitor's register and will be given a visitor's badges, which must be worn at all times while in the school. The visitor must return the badge and sign out before leaving the building.
3. Visitors attending school functions that are open to the public are not required to sign in.
4. No student is to bring a friend to school unless authorized by the administration.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the superintendent or designee. Unauthorized persons will be asked to leave. Law Enforcement may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property

contained in this code of conduct.

XIV. Public Conduct on School Property or School Function

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of the section of the code, “public” shall mean all persons when on school property or attending school functions including students, teachers, and district personnel.

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

- a. Injure any person or threaten to do so:
- b. Damage or destroy school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property, including graffiti or arson.
- c. Disrupt the orderly conduct of classes, school programs, or other school activities.
- d. Distribute or wear materials in school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- e. Intimidate, harass, bully or discriminate against any person based upon, but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- f. Enter any portion of the school premises without authorization or remain in the building after it is normally closed.
- g. Obstruct the free movement of any person in any place to which this code applies.
- h. Violate the traffic laws, parking regulations or other restrictions on vehicles.
- i. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- j. Possess or use alcohol, tobacco, e-cigarettes, drugs, or weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district.
- k. Loiter on or about school property.
- l. Gamble on school property or at school functions.

- m. Refuse to comply with any reasonable order of identified school officials on duty.
- n. Incite others to commit any of the acts prohibited by this code.
- o. Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function.

B. Penalties

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

Visitors - Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subjected to ejection. They may also be precluded from entering district premises in the future.

Students - They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

Tenured faculty members - They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.

Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The superintendent or designee and the building principals shall be responsible for enforcing the conduct required by this code.

When the superintendent or designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the superintendent or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The superintendent or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the superintendent or designee shall have the individual removed immediately from school property or the school function. If necessary, law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, in accordance with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by:

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

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

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

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

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

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