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2005/2006 Revision

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Hauppauge Public Schools

I. Introduction

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

The district has a long-standing set of expectations for conduct on school property and at school functions/or in conjunction with school sponsored activities, on school property and off property events or functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property/or in conjunction with school sponsored activities, on school property and off property events or functions, 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/or in conjunction with school sponsored activities, on school property and off property events or functions.

The District Code of Conduct is linked to Board of Education policies and the District Safety Plan.

- Students enrolled in BOCES programs will be subject both to the Code of Conduct of the home school and BOCES program.
- Hauppauge Public Schools and BOCES will share results of any violations of the Code of Conduct. Hauppauge Public Schools and BOCES may take punishment action separately or in concert with each other.
- Students attending trips/events not directly supervised by school Personnel, yet conducted as part of the school program, are bound by the Code of Conduct.

When a criminal violation of state or federal law occurs, a referral may be made in addition to school punishment imposed by the Code of Conduct. Local police agencies will determine violation of law and required criminal prosecution.

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.

"School function" in conjunction with school sponsored activities, on school property and off property events or functions" means any school-sponsored, extra-curricular event or activity on or off school property.

"Violent student" means a student under the age of 21 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/or in conjunction with school sponsored activities, on school property and off property events or functions, an act of violence upon another student or any other person lawfully on school property or at the school function/or in conjunction with school sponsored activities, on school property and off property events or functions or attempts to do so.
3. Possesses a weapon, while on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions an act of violence upon another student.
4. Displays, while on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions, what appears to be a weapon.
5. Threatens, while on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions, to use a weapon or item perceived as a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or a person on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions.

7. Knowingly and intentionally damages or destroys school district property.

8. Knowingly and intentionally damages or destroys personal property on another person who is on school property or in conjunction with school sponsored activities, on school property and off property events or functions.

9.A "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Girl Scouts, DeMolay, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, ammunition, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to appropriately control the expression of their anger.

Youth and Community Alliance School-Based Participation Programs
(See Appendix)

7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions/or in conjunction with school sponsored activities, on school property and off property events or functions as per the Code of Conduct within this document.
10. Accept responsibility for their actions.
11. Conduct themselves appropriately as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Students are expected to report violations of school rules that effect the health and welfare of themselves or others. Reports are to be made to a teacher, administrator or via the School Watch Hotline.
Hauppauge Schools Safe School Help Line (24hrs.): (631) 548-8232

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the new student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain safety, order, and discipline.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.

11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Set the example of proper and acceptable conduct at school and at school events, including athletic events.

Section XI CODE OF CONDUCT FOR SPECTATORS

SPECTATOR CODE OF CONDUCT (Violators of this Code are subject to eviction from contest site.)

1. Spectators are an important part of the game and shall at all times conform to accepted standards of good sportsmanship and behavior.
 2. Spectators shall at all times respect officials, coaches and players and extend all courtesies to them.
 3. Wholesome cheering is encouraged.
 4. Stamping of feet, taunting, foul and abusive language, inflammatory remarks, and disrespectful signs and behavior are not acceptable. Violations during a free throw attempt will be penalized by repeating the free throw, if missed. The officials will make this decision.
 5. Faculty supervised pep bands are permitted during dead ball time. However, spectator noise makers or sound devices are prohibited.
 6. Spectators shall observe and obey the rules and regulations of the school concerning smoking, food and soft drink consumption, and use of lavatory facilities and parking of cars.
 7. New York State law prohibits alcoholic beverages of any kind on school property; the law further prohibits any person under the influence of alcohol to be on school property.
 8. Spectators shall respect and obey all school officials, supervisors, and police at all athletic contests.
 9. No smoking or tobacco products are allowed on school property.
14. Parents are expected to report violations of school rules that effect their children or other children. Reports may be made to a teacher, administrator or via the School Watch Hotline.
Hauppauge Schools Safe School Help Line (24hrs.): (516) 548-8232

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Make every effort to ensure that student, staff and community comply with ideals of safety, order, and discipline.

C. Guidance Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Make every effort to ensure that students, staff, and community comply with ideals of safety, order and discipline.

D. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Make every effort to ensure that students, staff, and community comply with ideals of safety, order and discipline.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Make every effort to ensure that students, staff, and community comply with ideals of safety, order and discipline.

F. Board of Education

1. The Board of Education shall collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions/or in conjunction with school sponsored activities, on school property and off property events or functions.
2. Adopt and review at least annually the district's Code of Conduct.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

4. Make every effort to ensure that students, staff, and community comply with ideals of safety, order and discipline.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school. Students and their parents have the primary responsibility for acceptable student dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be appropriate and meet health and safety standards and not interfere with the learning process. Any form of dress or hairstyle which is considered contrary to good hygiene or which is distractive or disruptive in appearance will not be permitted. Students may be asked to secure other clothing if it is deemed necessary.

2. Recognize that extremely brief garments are inappropriate and unacceptable. This includes but is not limited to the following: backless tops, single shoulder tops, tube tops, halter tops, spaghetti straps, shirts/pants, exposed midriffs, plunging necklines (front and/or back), skirts/skorts above mid-thigh length, shorts that are excessively revealing, and net/mesh garments. Tank tops are permissible if they do not have spaghetti straps, plunging necklines or expose the midriff or undergarments.

3. Ensure that underwear is completely covered with outer clothing.

4. Include footwear at all times. Open platform shoes or other footwear which are a safety hazard are not permitted.

5. Not include the wearing of all forms of headgear and/or sunglasses in the classroom except for a medical or religious purpose during the regular school day.

6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

8. Not promote and/or represent any gangs or gang membership.

Uniforms issued for school sanctioned activities are exempt from the dress code requirements.

Each building principal or his or 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 refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

VI. Prohibited Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior.

Students learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function/or in conjunction with school sponsored activities, on school property and off property events or functions 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 penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

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

1. 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 any willful act which disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Students are not permitted in areas of the buildings which are not directly related to the instructional program. These areas include, but are not limited to, basements, storage rooms, emergency stairways, equipment areas, roofs, network and telephone rooms, service tunnels and service corridors.
 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.
 - A. District computers may only be used with permission.
 - B. Students may only use assigned passwords.
 - C. Students must abide by US Copyright restrictions.
 - D. Unauthorized access to another student's home folder, teacher's home folder or administrative password use, or any unauthorized access to password(s) will be considered computer trespass.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) 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/or in conjunction with school sponsored activities, on school property and off property events or functions.

4. Displaying what appears to be a weapon or item perceived as a weapon.

5. Threatening to use any weapon or item perceived as a 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, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.

2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function/or in conjunction with school sponsored activities, on school property and off property events or functions.

3. Defamation, which includes making false statements 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 the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.

5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

For such conduct that occurs off school property disciplinary action may be imposed, where such conduct may adversely affect the educational process or endanger the health, safety or morals of pupils within the school system.

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm, including verbal, written, e-mails, instant messaging, text (cell/page) messaging etc.

Video or still photography, in areas where individuals have a reasonable expectation of privacy. Examples of areas where a reasonable expectation of privacy exist are: bathrooms, changing rooms, dressing rooms, locker rooms, health office examination rooms.

Cameras (Film, Digital, Web Cam , Cell , PDA) are not permitted and will be confiscated.

For such conduct that occurs off school property, disciplinary action may be imposed where such conduct may adversely affect the educational process or endanger the health, safety or morals of pupils within the school system.

7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

For such conduct that occurs off school property, disciplinary action may be imposed where such conduct may adversely affect the educational process or endanger the health, safety or morals of pupils within the school system.

Definitions

A. "Hazing" means committing an act against a student or coercing a student into committing an act that creates a risk of emotional, physical or psychological harm to a person, as a precondition for the student to be initiated into or affiliated with a student organization, or for any other comparable improper purpose.

The term "hazing" includes, but is not limited to:

1. Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate, that has the potential to endanger the mental or physical health or safety of that student.
2. Any hurtful, aggressive, destructive or disruptive behavior that subjects a student to risk of harm or that adversely affects the mental or physical health or safety of that student.
3. Any use or abuse of tobacco, alcohol, drugs or other illegal substances.
4. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies and regulations.
5. Recruitment of students for membership in secret societies or gangs is prohibited
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco. Possession of Tobacco Products while on school property or in

conjunction with school sponsored activities, on school property and off property events or functions.

11. Possessing, consuming, selling, 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, and any substances commonly referred to as "designer drugs."

12. Inappropriately using or sharing prescription and over-the-counter drugs.

13. Gambling - Any form of wagering both organized and informal that involves currency or jeopardizes the health and safety of students.

14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher. Unauthorized removal of an AED from a public access cabinet, causing 911 report and emergency EMS response.

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

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Unauthorized access to teacher or administrative files, written and/or computer based. Unauthorized access to State issued or agency issued testing materials prior to the test date.
6. Computer Trespass
7. Assisting another student in any of the above actions.

District may institute a third party proceeding for violations of the Code of Conduct when either or both sides are unable or unwilling to proceed.

VII. Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or

his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Students failing to report violations of the Code of Conduct that endanger the health and safety of others may lead to disciplinary and/or criminal legal sanctions.

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

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 or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the safety, order or discipline of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on 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.

VIII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.

4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

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

A. Penalties

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

1. Oral warning - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention - teachers, principal, superintendent
5. Suspension from transportation - bus driver (with district or contractor dispatch approval) , principal , director of transportation.
6. Suspension from athletic participation - coaches, principal, superintendent
7. Suspension from social or extracurricular activities - activity director, principal, superintendent
8. Suspension of other privileges - principal, superintendent
Includes but not limited to: school events, school clubs, interscholastic activities, school trips, class trips, graduation ceremonies and proms.
9. In-school suspension - principal, superintendent

10. Removal from classroom by teacher - teachers, principal
11. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education
12. Long-term (more than five days) suspension from school - pursuant to a Superintendent's Hearing in accordance with Education Law §3214.
13. Permanent suspension from school -pursuant to a Superintendent's Hearing in accordance with Education Law §3214.
14. Reporting to police for criminal charges or arrest if a violation of the penal law has taken place.

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 facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

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

2. Suspension from transportation

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra curricular activities and other privileges.

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges are not entitled to a full hearing pursuant to Education Law §3214.

However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

Eligibility for extra-curricular activities includes behavioral and training standards. Behavior standards require compliance with standards established by the Code of Conduct. Training standards require compliance with attendance at team practices and conduct.

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning.

As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. Period of the in school suspension, five school days or less.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most 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 to the principal's office for the remainder of the class time only; or (3) 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. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal (weekends, holidays excluded from calculation), the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours (weekends, holidays excluded from calculation) of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s)

for the purpose of contacting parents. The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is 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 his or her class. The principal must keep a log of all removals of students from class.

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

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The superintendent or principal, upon receiving a recommendation or referral, for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may established.

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 superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.

At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The superintendent 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 precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 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/or in conjunction with school sponsored activities, on school property and off property events or functions.

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 would be subject to suspension from school for at least one calendar year. Before being suspended,

the student will have an opportunity for a hearing pursuant to Education Law §3214.

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

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

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum

five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority 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 Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

a. Being habitually truant and not attending school as required by Part I 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 and Juvenile Offenders

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

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

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

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

IX. Alternative Instruction

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

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 require this Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to 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 (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function/or in conjunction with school sponsored activities, on school property and off property events or functions, 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/or in conjunction with school sponsored activities, on school property and off property events or functions.

1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."

2) "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.

3) "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. For more than 10 consecutive school days; or

b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

C. 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 weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 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. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in 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.

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. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1) Conducted an individual evaluation and determined that the student is not a student with a disability, or

2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law 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 of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in 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 disabilities 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 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 would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

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

D. Expedited Due Process Hearings

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

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 or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student 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.

2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any

proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

3) 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 or 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 a 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 which a crime is reported.

XI Corporal Punishment Complaints

The Board of Education asserts that corporal punishment is not a desirable method of enforcing decorum, order or discipline. The Board prohibits the use of corporal punishment by district employees.

1. No teacher, administrator, officer, employee or agent in the district shall use corporal punishment against a pupil.

2. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil, except as otherwise provided in subdivision 3.

3. Nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

- a. to protect oneself from physical injury;
- b. to protect another pupil or teacher or any other person from physical injury;
- c. to protect district property or the property of others;
- d. to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot be reasonably employed to achieve the same purposes.

Investigation of Complaints

Any complaint about the use of corporal punishment shall be submitted in writing to the Superintendent of Schools. This written complaint will be forwarded to the school attorney within 7 (seven) days. The Superintendent shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the school attorney upon completion of the investigation.

Reports to Commissioner of Education

Reports shall be submitted to the Commissioner of Education on or before January 15th and July 15th of each year concerning complaints about the use of corporal punishment during the six-month reporting period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the district.

XII. Student Searches and Interrogations

In recognition of certain societal problems which present themselves from time to time in our schools, the Board of Education authorizes the Superintendent of Schools, building principals and assistant principals to conduct searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g. pocket contents, bookbags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Students shall be informed by the administration that school lockers are not their private property but the property of the district and that as such may be opened and subject to inspection from time to time by school officials.

Realizing the intrusive nature of a search which requires a student to remove any and/or all clothing, the Board authorizes such searches to be conducted only upon the existence of probable cause as determined following a review of the facts by the school attorney or the Superintendent in the absence of the school attorney.

The Superintendent shall establish regulations regarding personal searches of students in accordance with this policy and the law.

Student Searches and Interrogations Regulation

1. Pursuant to Board policy, students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such search.

Pre Clearance and Security in Lieu of Evacuation - as approved by the NYSED Bomb Scare Procedures Guide. Students and staff will be subjected to search of persons, bags and possessions. See Appendix.

Student Parking is a privilege whereby students and parents agree to exterior and interior vehicle inspections as part of the permit process. The Principal is able to designate for specific events when vehicle inspections, exterior and interior, are a condition for admission to a specific school event. Students and parents will be advised of inspection requirement as part of the permission slip procedure.

Overnight Trips: As part of the permission trip process parents and students agree to mandatory inspection of all luggage prior to departure to the trip. Inspection of luggage is to assure compliance with school rules, transportation safety administration rules for air flight, and customs regulation for international travel. Failure to comply with the inspection process will result in student not being allowed to attend the event.

Visitors to Schools are subject to inspection of all packages brought into the school building or zone.

Overnight Trip Accommodations- Accommodations are provided for students as an extension of, or in conjunction with, school sponsored activities, on school property and off property events or functions. The district has a responsibility to assure:

- (A) Physical safety of students
- (B) Protection of accommodations rented/loaned/borrowed as part of, or in conjunction with, school sponsored activities, on school property and off property events or functions.
- (C) Accommodations can/will be inspected-
 - (1) Prior to occupancy
 - (2) After occupancy
 - (3) Random inspection
 - (4) Based upon reasonable suspicion of a violation of the Code of Conduct

- Students will be held responsible for any damage to accommodations
- Violators of Code of Conduct/local laws may result in student being sent home at the expense of a parent and may result in criminal prosecution.

2. Searches may be conducted by the Superintendent of Schools, a building principal, assistant building principal, school nurse, or school security or other school staff approved by the building principal.

3. A search based upon the reasonable belief that the health or safety of those in our schools is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.

4. Reasonable individualized suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon: the student's age; the student's history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency necessitating an immediate search; and the probative value and reliability of information used as justification for the search.

5. The request for a search of a student or student's possessions shall be directed to the building principal or assistant building principal, who shall attempt to obtain an admission from the student of possession of the illegal matter or a voluntary consent to the search. The search shall be limited to the extent necessary to locate the illegal matter.

6. Whenever practicable, the search should be conducted in the privacy of administrative offices and the student should be present when his/her possessions are being searched.

7. If school officials conclude that a more intrusive search is needed (i.e., a search which requires a student to remove any or all clothing, with the exception of a search of outer coats and jackets), they shall attempt to notify the parents of the students involved by telephone, or in writing after the fact if the parents could not be reached by telephone. Such searches will be conducted by school officials only after consultation with the school attorney and/or the superintendent or another school official designated by the superintendent, unless there is reasonable cause to believe that an emergency situation may exist (e.g., a dangerous weapon is being concealed by a student). Such searches shall be conducted by an administrator or nurse of the same gender as the student in the presence of another district professional employee who is also of the same gender.

8. The building principal or assistant building principal shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search, and where appropriate, the name of any informant(s) from whom information was received (informants other than the district employees will be considered reliable if they have previously supplied information which was accurate and verified, if they make an admission against their own penal interest or of the same information is received independently from several informants). The written record of the student's search

shall also contain the names of those persons who were present when the search was conducted, any substance or objects discovered, and the disposition of such matter.

9. The building principal or assistant building principal shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. He or she will remain in control of such substance or objects unless the same are delivered to police authorities whereupon it shall be the responsibility of said building principal to personally deliver such matter to police authorities, and receive a receipt for same.

10. Under law, students have no reasonable expectation of privacy rights in school lockers, desks or other school storage places, and the school exercises overriding control over such school property. The building principal shall give notice to all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials.

11. No police officer shall be allowed to perform a student search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises. In the case of a police officer presenting a search warrant, the building principal shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the building principal as soon thereafter as is practicable.

Documentation of Searches

The following factors should be considered in order to determine whether reasonable individualized suspicion exists with regard to a search of a student's person or his/her effects:

1. Eyewitness accounts
Note: - by whom
- date/time
- place
- detailed description of events/items witnessed
2. Information from a "reliable source"
Note:- from whom
- time received
- how information was received
- who received the information
- complete summary of information
3. Suspicious behavior: describe behavior and explain suspicions
6. In cases of confiscated material believed to be illegal drugs, trained school staff will test suspected material.

- In the event of a positive test for an illegal drug, results will be used in determination for disciplinary proceedings.
- Results of suspected illegal drugs will be shared with police agencies.
- District staff will assure the chain of custody.

If a search is conducted, the following information should be documented:

1. Time and location of search
2. Age of student
3. Circumstances contributing to exigency of search
4. Purpose of search: what item/s were being searched for?
5. Type of search and scope thereof
6. Person conducting search and his/her title/position
7. Witnesses of search
8. Results of search: material/s found, disposition of such material/s
9. Results of parental notification

Regulation Pertaining to Child Protective Services' Investigation

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The following guidelines apply to all such interviews:

1. All requests by child Protective Services to interview a student of the district on school property shall be made directly to the Superintendent of Schools.
2. The time and place of such interview shall be designated by the Superintendent in his/her absolute discretion.
3. Any such interview conducted by the Child Protective Services shall be made in the presence of the Superintendent, or in the event that the Superintendent cannot be present, in the presence of a staff person designated by the Superintendent for that purpose. In the event that the Superintendent is not present within the District, then such interview shall not take place unless it is in the presence of the school nurse. No such interview shall take place without the presence of three designated persons.
4. This regulation shall apply to all interviews requested by the Department of Social Services, Child Protective Services, as it pertains to that agency's investigations involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect and custody investigations.
5. This regulation is for the protection and benefit of the students of the district, and every reasonable effort shall be made to accommodate the request of the Department of Social Services, Child Protective Services, as it relates to the aforementioned investigations.

A. Student Lockers, Desks and Other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. High School and Middle School agenda books notify students that all lockers (hall, gym and music lockers) are on loan to the student and subject to search at any time.

Student vehicles parked on school property are subject to exterior and interior inspection, at any time as part of the permit privilege. Students and parents agree to this inspection as part of the permit application process.

B. Police Investigations of Students and involvement in Searches and Interrogations

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 in conjunction with school sponsored activities, on school property and off property events or functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function/or in conjunction with school sponsored activities, on school property and off property events or functions. to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions.

Students who are questioned by police officials on school property or at a school function/or in conjunction with school sponsored

activities, on school property and off property events or functions will be afforded the same rights they have outside the school. This means:

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

XIII. Visitors to the Schools

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.

2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.

All packages brought into the school building are subject to search, prior to admittance to the school building. Visitors may be required to show valid photo identification, prior to admittance to the school building.

Visitors under the discretion of the building principal may proceed to authorized area without escort. Principal at any time may require administrative or supervisory escort of any or all visitors within the school building.

3. Visitors attending school functions/or in conjunction with school sponsored activities, on school property and off property events or functions that are open to the public, such as parent-teacher organization meetings or public gatherings, polling place are not required to register.

Parents/Guardians who have Orders of Protection , Custody Issues must : A. Present original copies of all paperwork B. Advise the School of any change in status or expiration of the decree. C. Parent or Guardian is responsible for renewal of the decree and presenting the updated decree to the school prior to expiration of the original decree. New copies will be required at the start of each school year. D. District must be able to verify the decree and have a contact number for the court of record. E. When the district is unable to confirm the status of any of the parties to the decree, the district will take the most conservative view to protect the interests of the child(ren). F. Parents who have issues of supervised visitation and would

like to attend a school event, must make arrangements with the Principal at least 10 school days prior to the event. G. If needed the Police will be called to assist with the interoperation and enforcement of custody and Orders of Protection.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the expressed approval of the 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. School buildings are posted in compliance with NYS Penal Law for loitering.

7. 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

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/or in conjunction with school sponsored activities, on school property and off property events or functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function/or in conjunction with school sponsored activities, on school property and off property events or functions including students, teachers, parents, guardians, invited guests and district personnel. The restrictions on public conduct on school property and at school functions/or in conjunction with school sponsored activities, on school property and off property events or functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function/or in conjunction with school sponsored activities, on school property and off property events or functions shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function/or in conjunction with school sponsored activities, on school property and off property events or functions 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:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions/or in conjunction with school sponsored activities, on school property and off property events or functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises/or in conjunction with school sponsored activities, on school property and off property events or functions without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions.
10. Possess or use weapons in or on school property or at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.

12. Gamble on school property or at school functions/or in conjunction with school sponsored activities, on school property and off property events or functions.

13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this code.

15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function/or in conjunction with school sponsored activities, on school property and off property events or functions.

16. Hauppauge UFSD is a smoke-free environment, smoking of any kind is prohibited on school property/or in conjunction with school sponsored activities, on school property and off property events or functions.

17. The distribution of hand bills , flyers , advertisements, free samples or product literature, may not be distributed in person , placed on a personal or district vehicle. This restriction extends to school fields, and parking lots, for commercial and non school related purposes.

18. Street sale vendors are not allowed on school property unless invited by an authorized agent of the district.

19. No sales, possession or use of Fireworks are permitted on school properties. Exception is for Licensed Providers of Fireworks, who have proper school , Federal, State and Local permits.

20 School administration may refer Repeat violators of NO SMOKING regulations to the Suffolk County Board of Health for an administrative hearing for violation of the County Code

Students while on out of school suspension , will be considered TRESPASSING while on school property during the period of suspension. Trespass warning is for the full 24 hour period of the suspension. Exceptions to the trespass warning and procedures will be outlined in the suspension letter.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function/or in conjunction with school sponsored activities, on school property and off property events or functions, shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

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

3. 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.

4. 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.

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

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function/or in conjunction with school sponsored activities, on school property and off property events or functions. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

District may institute a third party proceeding for violations of the Code of Conduct, when either or both sides are unable or unwilling to proceed.

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

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. Parents will be mailed an abridged copy of the Code of Conduct as part of the annual back to school mailing. Students will be provided a summary of the Code at a general assembly held at the beginning of each school year. District supplied High School and Middle School students' agenda books will have an abridged copy of the Code of Conduct printed in them.

2. Making copies of the code available to all parents at the beginning of the school year. Parents will be advised copies of the Code may be secured from the building principal. Parents will be advised that the Code may be downloaded from the district web page.

3. 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. Faculty and staff will be advised full copies of the Code may be obtained from the building principal or from the district's web site.

4. Providing all new employees with a copy of the current Code of Conduct when they are first hired. New faculty and staff will be advised full copies of the Code may be obtained from the building principal or from the district's web site.

5. Making copies of the Code available for review by students, parents and other community members. Building principals will review Code of Conduct at the first faculty meeting of each school year.

7. Copy of the Code of Conduct will be published on the district website.

8. Parents/Guardians/Students on an annual basis will be required to sign an acknowledgement that they have received a copy of the abridged code of conduct and notified where and how to obtain a full copy of the Code of Conduct if desired.

Acknowledgement indicates they have been advised of the rules and regulations and penalties associated with violations of the code of conduct.

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

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

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

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