

# *Code of Conduct*



John M. Marshall Elementary School  
3 Gingerbread Lane  
East Hampton, N.Y. 11937

631-329-4156

# Code of Conduct

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## **I. Introduction**

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this Code of Conduct (“code”).

All behavioral examples, procedures, and possible disciplinary responses apply to student behavior:

- in school
- on the grounds of the school
- during school activities, be they in the evening or weekend
- during school sponsored field trips (from time of departure to time of arrival home)
- on school buses and at bus stops
- actions that take place off the school property that have an effect on interpersonal relations within the school.

## **II. Mission Statement**

The John M. Marshall Elementary School Community is committed to educate each student to his/her maximum academic capabilities and to foster the positive, emotional and social development of each child.

## **III. 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” means any school sponsored extra-curricular event or activity.

“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, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.

5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“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, 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.

The building principal will have the primary responsibility for enforcing the Code of Conduct in his/her building. This may require consultation with the Superintendent of Schools or his/her designee.

#### **IV. District Policies**

- A. Policy – Implied or direct threats of violence  
Any and all acts of implied or direct threats of violence will be dealt with in a manner that maintains the authority of the school district and preserves the dignity of the individual. All staff, students and visitors are expected to report implied or direct threats of violence to the building administrator.
- B. Policy – Acts of violence by students, staff, and visitors  
Any and all acts of violence will be dealt with in an efficient and forthright manner. If deemed appropriate by the building administration, local law enforcement officials will be contacted. The Superintendent of Schools will be notified. All staff, students and visitors are expected to report acts of violence to the building administrator.
- C. Policy – Student notification in the event of a violent incident  
Building administrators shall develop policies and procedures for contacting parents or guardians in the event of violent incidents and crisis situations. All procedures shall be in accordance with East Hampton UFSD Code of Conduct and New York State Law, and all anti-violence policies and procedures shall be presented to staff and students annually in a clear and concise format. When a student is involved in any violent situation, a parent or guardian shall be contacted.

#### **V. Students Rights and Responsibilities**

- A. Student Rights  
The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:
  1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
  2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
  3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. 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 control their anger.
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.
10. Accept responsibility for their actions.
11. Conduct themselves 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

## VI. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. 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 safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. 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.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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.

# Code of Conduct

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## VII. 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.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Engaging in any willful act, which disrupts the normal operation of the school community.

**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. Frequent lateness.

**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.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

**E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:**

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or 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. Bullying, 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.
6. Bullying and teasing, which include engaging in actions or statements that put an individual in fear of bodily harm.
7. Using vulgar or abusive language, cursing or swearing.
8. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**F. Engage in misconduct while on a school bus.**

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

**VIII. Reporting Violations**

- A. All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.
- B. The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

**IX. Hazing, Harassment and Bullying-New York State's Dignity Act**

The East Hampton UFSD takes issues of bullying and real or perceived harassment and discrimination seriously. The provisions of New York State's Dignity Act (effective 1 July 2012) make explicit in public school policy and practice, that no student shall be subject to discrimination, harassment, or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students.

Hazing, a form of harassment whether it be physical or verbal, should not be condoned by a victim, a coach, staff, family, school administrator, fellow student or team member. Any student found to have committed an act of harassment against any student in the District will face disciplinary action which may include suspension from school and/or school activities including athletic teams. Students are fully expected to notify a teacher, a coach or other school official if any such behavior is observed. School employees who fail to enforce this policy or any violation of the schools' disciplinary codes may be subject to disciplinary action.

**BOARD OF EDUCATION**  
**SEXUAL HARASSMENT POLICY & REGULATIONS**

**POLICY**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits all forms of sexual harassment by employees and students. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to sexually harassing behavior is a condition for the successful completion of any course of study or educational and extra-curricular activity, including the acceptance into or rejection from such course or activity.
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature;
- c) Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extra-curricular activity, or creating an intimidating, hostile or offensive learning environment.

The Board acknowledges that in determining whether sexual harassment has occurred, the perspective of the victim as well as the offender's conduct and or intention should be evaluated.

Any student who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct to the District's designated complaint officer through informal and/or formal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, if the District has knowledge of or has reason to know of any alleged sexual harassment, the District is obligated, even in the absence of a complaint, to investigate such conduct promptly and thoroughly.

Based upon the results of the District's investigation, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension/expulsion.

The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victims and/or witnesses have not suffered retaliation.

The Board directs the Superintendent to develop regulations for resolving sexual harassment complaints by students. The Superintendent/designee(s) shall affirmatively discuss the topic of sexual harassment with all employees and students, express the district's condemnation of such conduct and explain the sanctions for harassment. A copy of this policy and its accompanying regulations shall be posted in appropriate places and available upon request to all employees and students.

## **REGULATIONS**

### **Procedures for reporting:**

The complaint officer is responsible for coordinating federal regulations concerning sexual harassment.

A student who believes that he/she has been subjected to sexual harassment is to report such conduct to the designated complaint officer. If the complaint officer is the alleged offender, the reports shall be made to the next level of supervisory authority. Allegations of sexual harassment may be reported through information and/or formal complaint procedures.

Subject to all applicable laws and collective bargaining agreements, the following guidelines shall be utilized in the investigation and resolution of sexual harassment complaints.

#### **Step 1 – Informal Complaints**

A student who believes that he/she has been subjected to sexual harassment may file an informal complaint by requesting a meeting with the complaint officer and the building's principal\* in order to discuss the allegations and appropriate actions, if any. The complaint officer will discuss the complaint with the alleged offender; if the alleged offender is a District employee, the investigation will be in accordance with any applicable collective bargaining agreement. The complaint officer will then prepare a written report of the incident, detailing any corrective action being taken and/or resolution of the complaint, submit one copy of this report to the complainant for his/her information, and file one copy with the building principal and one copy with the Superintendent. If the complainant is satisfied with the response of the complaint officer, the complainant shall so indicate in writing and the matter shall be deemed closed. If the complainant is not satisfied with the complaint officer's response, the complainant may proceed to file a formal complaint. The Superintendent and building principal shall be kept informed of the complainant's response and course of action, if any.

\*If the building principal is the alleged offender, then the complaint officer shall designate another school official to meet with him/her and the student; and this designated school official will take the place of the building principal in all applicable phases of the complaint process.

#### **Step 2 – Formal Complaint**

A student may file a formal written complaint of sexual harassment as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint should include:

- 1) The name, address and phone number of the complainant;
- 2) The name of the alleged offender;
- 3) The specific nature of the harassment and corresponding dates; and
- 4) The names of any and all witnesses.

The formal complaint will be filed with the complaint officer who will submit a copy of the complaint to the building principal and the Superintendent of Schools. The complaint officer will, in accordance with federal guidelines and regulations and any applicable collective bargaining agreement(s), conduct a prompt and thorough investigation, issue a written report of the results of the investigation, and notify the complainant in writing of the outcome.

### **Step 3 – Corrective Action/Resolution**

The complaint officer will inform the Superintendent and the building principal of the outcome of his/her investigation. If the Superintendent of Schools issues a finding that no sexual harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing and the matter will be deemed closed.

Should the Superintendent determine that corrective action is necessary, the Superintendent of Schools shall follow all applicable law and regulations and appropriate collective bargaining agreements in the resolution of the complaint.

The complainant shall receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint.

### **Step 4 – Appeal to the Board of Education**

In the event that a complainant files an appeal with the Board of Education, following an investigation by the Superintendent of Schools, the Board of Education will conduct a hearing and issue a written response to the complainant following completion of the hearing.

The complaint officer will make follow-up inquiries to ensure that the harassment has not resumed and that the victim and any witnesses have not suffered retaliation.

Regardless of whether a complaint has been filed, if the District knows or has reason to know of the existence of any alleged sexual harassment, the District shall require a prompt and thorough investigation by appropriate personnel.

## **WHAT DOES UNACCEPTABLE BEHAVIOR LOOK LIKE?**

Specific examples/terms that we wish to prevent are found below. Please understand that some of these may belong to other categories of infractions/offenses. Additionally, this list is not fixed or completed. Here are some terms that we in the East Hampton School District have discussed and identified as bullying, hazing, or harassment:

**Verbal Infractions:** Mocking, name calling, coercion, taunting, negatively teasing, threats (verbal, written or electronic)

**Physical Infractions:** Pushing, shoving, kicking, hitting, spitting, extortion, stalking, restraining, humiliating acts, defacing property, demeaning, use of violence or threats.

**Social Alienation and Shunning:** Gossiping, rumor spreading, ridicule, slurs (ethnic, sexual, religious or racial) social rejection, grudge carrying, threatening looks, public humiliation, and maliciously excluding.

## **X. Disciplinary Penalties, Procedures and Referrals**

### **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. 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.

### **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, and superintendent
3. Written notification to parent—bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Suspension from transportation—principal, superintendent
5. Suspension from social or extracurricular activities—principal, superintendent
6. Suspension of other privileges—principal, superintendent
7. In-school suspension—principal, superintendent
8. Removal from classroom by teacher—teachers, principal
9. Short-term (five days or less) suspension from school - superintendent, board of education
10. Long-term (more than five days) suspension from school—superintendent, board of education
11. Permanent suspension from school—superintendent, board of education

### **DISCIPLINARY 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.

### **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.

### **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."

### **Teacher Disciplinary Removal of Disruptive Student**

- A. The entire school staff will work towards a unified approach to demonstrate good character attributed for the students to emulate.
- B. The guidance staff and administration will study the feasibility and probability of instituting a peer mediation program or a program of similar substance.
- C. The John M. Marshall School has adopted the procedures of the Responsive classroom. The following applies:

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### **Time – Out**

Time – out is not viewed as a "last resort" method of realigning a child's behavior. It is an opportunity for the child to become introspective, and to be reminded of other, more appropriate behavior. Effective use of time – out requires consistency and equity on the adult's part. Since we all make mistakes from time to time, any child may occasionally find him/herself in time – out. If we use time – out correctly, children do not take the step from in-control to out-of-control.

The teacher introduces time – out to the class during the first week of school as part of the process of establishing rules and logical consequences (see *Teaching Children to Care*, chapter six, page sixty-three).

1. Designate a chair located in a visible place in the classroom – away from a door, busy aisle, or activity center.
2. Small things: Time – out is implemented for small disruptions, minor infractions, and misbehavior. After time – out has been introduced, modeled and practiced there are no warnings.
3. Standard Time – Out: If a child is sent to time – out, and the child indicates that he/she is ready to rejoin the class, showing appropriate behavior, the child may come back. If a child returns and behavior continues, the child is sent back to time – out, and then the teacher will determine when the child returns (usually two to three minutes). The teacher might use language like, "You are showing me that you need more thinking time," when returning the child to time – out.
4. Standard Ways to Return to Group: The teacher names the expectation and appropriate behavior ("You may come back now and remember your quiet voice"). The teacher may establish with his/her class that a child may return to the group when he/she feels ready. A signal from the teacher is preferred – a nod or hand signal.
5. Time - Out Completed in Another Classroom: A pre-arranged buddy teacher is established at the beginning of the year (more than one buddy teacher should be established in case that one teacher is not available).
  - a. Student goes to time – out in another classroom when:

The distraction continues while in time – out. The stimulation of the classroom continues to overwhelm or agitate the student.

The teacher needs a time – out from the student.

- b. Length of time – out in another room: The usual period of time – out in another room is 15 minutes; although in some cases, an entire morning or afternoon may be the anticipated consequence.

On occasion, a student’s behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. **A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.**

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

The teacher must 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.

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

The written notice must be provided by personal delivery, express receipt of the notice within 24 hours 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.

### **Informal Hearing**

The principal will 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:

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

### **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.

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

When the principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less, 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.

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. 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. After the conference, the principal shall promptly advise the parents in writing of his or her decision.

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

When the superintendent 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. 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.

**Minimum Periods of Suspension**

Students who bring weapons to school.

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

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

Any student 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.

## **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 one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §21.05. 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 §1.20 (42).

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

## **XI. Alternative Instruction**

When a teacher removes a student of any age from class 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.

## **XII. Discipline of Students with Disabilities**

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures

followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

**NOTE:**

This portion of the sample code of conduct applies only to students with disabilities under IDEA and Article 89. It does not necessarily apply to students who qualify as disabled only under § 504 of the Rehabilitation Act. School districts should consult with their school attorney to ensure compliance with § 504.

## **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 nondisabled 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 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.

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.

### **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.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

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.

1. 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.

2. 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.

### **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.

Criminal Procedure Law §1.20 (42).
  - 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.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he 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.

### **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 whom a crime is reported.

### **XIII. Corporal Punishment**

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

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

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

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

### **XIV. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

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.

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

B. Police Involvement in Searches and Interrogations of Students

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.
4. Or are in hot pursuit of a suspect

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 principal, in consultation with the superintendent, shall determine whether a search shall 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.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

## **PROCEDURAL STEPS FOR THE RESOLUTION OF CLASS A OFFENSES**

The resolution for a CLASS A offense is initially the responsibility for the teacher in charge and/or teacher observing the offense. When there are cases where the teacher/staff member is not primarily responsible for the supervision of the student, or is unable to resolve the problem, the offense shall be referred to the principal or assistant principal.

## CLASS A OFFENSES

<p><b><u>DISCIPLINE PROBLEM:</u></b> Unacceptable, Excessive and/or Disorderly Conduct.  <b><u>FIRST OFFENSE:</u></b> Range of discipline: Parent/Guardian Notification.  <b><u>SECOND OFFENSE:</u></b> Parent/Guardian Conference</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Overt Display of Affection  <b><u>FIRST OFFENSE:</u></b> Warning - Telephone Call Home  <b><u>SECOND OFFENSE:</u></b> Parent/Guardian Notification. Meeting with member of Pupil Personnel Services.</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Use of Beepers, Cell Phones, Radios, Walkman  <b><u>FIRST OFFENSE:</u></b> Confiscation – Return to student at later time  <b><u>SECOND OFFENSE:</u></b> Confiscation – Return to Parent  <b><u>THIRD OFFENSE:</u></b> Confiscation – 1 day Out of School Suspension</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Laser Pointer  <b><u>FIRST OFFENSE:</u></b> Confiscation - Return to Parent  <b><u>SECOND OFFENSE:</u></b> Confiscation – Return at End of School Year  <b><u>THIRD OFFENSE:</u></b> Confiscation.</p>

## PROCEDURAL STEPS FOR THE RESOLUTION OF CLASS B OFFENSES

The resolution of CLASS B offenses is to immediately report said offense to the building principal or assistant principal. At that time, the student will be removed from instruction and an investigation shall take place after which administrative action will be taken.

## CLASS B OFFENSES

<p><b><u>DISCIPLINE PROBLEM:</u></b> Use of Offensive Language Toward a Staff Member  <b><u>FIRST OFFENSE:</u></b> Range of discipline depending on the severity of the offense – 1-2 days OSS, 1-5 days out of class suspension – Parent/Guardian Notification  <b><u>SECOND OFFENSE:</u></b> Administrative range of action: 2 to 5 days OSS – Parent/Guardian Notification</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Use of Offensive Language/Obscene Gestures (Which may incite others)  <b><u>FIRST OFFENSE:</u></b> Parent/Guardian Notification  <b><u>SECOND OFFENSE:</u></b> Parent/Guardian Notification, ISS  <b><u>THIRD OFFENSE:</u></b> Parent/Guardian Notification, 1 day OSS</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Destruction or Defacement of School Property  <b><u>FIRST OFFENSE:</u></b> Replacement of/ or compensation for destroyed or defaced property – Possible criminal charges</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Fighting – Simple Temporary without Premeditation  <b><u>FIRST OFFENSE:</u></b> Parent/Guardian Notification – 1-5 days OSS</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Major Disturbance - Cafeteria, Assembly, Gym, Hallways, at School Functions  <b><u>FIRST OFFENSE:</u></b> Parent/Guardian Notification – 1-5 days OSS</p>
<p><b><u>DISCIPLINE PROBLEM:</u></b> Insubordination, Refusal to Comply with Teacher's Direction  <b><u>FIRST OFFENSE:</u></b> Parent/Guardian Notification – ISS or 1 day OSS, depending on severity</p>

## PROCEDURAL STEPS FOR RESOLUTION OF CLASS C OFFENSES

The resolution for CLASS C offenses shall be the immediate reporting of the offense to the building principal and/or assistant principal. The offense will be investigated, the student shall be removed from the student population and the appropriate action(s) will begin.

**Disorderly conduct** – a person is disorderly when their conduct has the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- He/she engages in fighting or in violent, tumultuous or threatening behavior; or
- He/she makes unreasonable noise; or
- Without lawful authority, he/she disturbs any lawful assembly or meeting of persons; or
- He/she obstructs vehicular or pedestrian traffic; or
- He/she congregates with other persons in a public place and refuses to comply with a lawful order of the police or disperse; or
- He/she creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

**Bullying & Teasing** – a person is harassing when their actions have the intent to harass, annoy or alarm another person

He/she strikes, shoves, kicks or otherwise subjects him/her to physical contact or attempts to threatens to do the same; or

- In a public place, he/she uses abusive or obscene language, or makes and obscene gesture; or
- He/she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

**Possession of a Weapon** – a person is in possession of a weapon when

- He/she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, cane sword, billy club, blackjack, bludgeon, metal knuckles, chukka stick, sand bag, sand club, wrist-brace type slingshot, slug shot, shirken or “Kung Fu Star” or
- He/she possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or
- He/she knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for education purposes, of any school college of university, without the written authorization of such educational institution; or
- He/she possesses any dangerous or deadly weapon and is not a citizen of the United States, or
- He/she knowingly possesses a bullet containing an explosive substance designed to detonate upon impact; or
- He/she possesses armor piercing ammunition with intent to use the same unlawfully against another; or

- Possession of any object which is intended to be used or may be used as a weapon.

**Possession of weapons by persons under sixteen** – In addition to the weapons cited above, possession by anyone under sixteen years of age of any air-gun or other instrument or weapon in which the propelling force is a spring or air.

Assault – A person commits assault when

1. With intent to cause physical injury to another person, he/she causes such injury to such person or a third person; or
2. He/she recklessly causes physical injury to another person; or
3. With negligence, he/she causes physical injury to another person by means of a deadly weapon or a dangerous instrument.
  - Possession of any object which is intended to be used or may be used as a weapon.
  - Any premeditated fight.

**Vandalism** – Vandalism to school property or another person's property while on school grounds or on a school trip.

#### **POSSIBLE PENALTIES FOR CLASS C OFFENSES**

- Police Notification
- 1 – 5 Days In-School Suspension
- 1 – 5 Days Out of School Suspension
- Superintendent's Hearing
- Expulsion from School