

EAST HAMPTON UNION FREE SCHOOL DISTRICT

REGULAR MEETING OF THE BOARD OF EDUCATION BOARD ROOM at 6:30 p.m.

Tuesday, August 15, 2017

AGENDA

1. Executive Session (5:30 p.m. to 6:30 p.m.). It is anticipated that the Board will make a motion to go into Executive Session and this session will likely run from 5:30 p.m. to 6:30 p.m.
2. Call Meeting to Order
3. Pledge
4. Public Comments (Agenda Items Only)
The EHUFSD Board of Education welcomes public comment. To maintain an orderly and efficient meeting, the Board has established the following guidelines for those wishing to address the Board:
 1. *Each speaker is permitted three minutes for their comments.*
 2. *The Board will listen to comments and input but will not necessarily debate or discuss items; operational matters will be directed to school administration for handling.*
 3. *The Board is not permitted to address personnel or individual student matters in open session.*
5. Consent Agenda
6. Superintendent's Report and Recommendations
7. Old Business
8. New Business
9. Public Comments

Consent Agenda:

1. Recommended: That the Board accept the Minutes of August 1, 2017 as written and place on file.
2. Recommended: That the Board accept the letter of resignation from Brian Cunningham, Varsity Girls Swim Coach.
3. Recommended: That the Board approve the disposal of the following damaged and obsolete furniture:
 - i. 1 tan three drawer file cabinet (#100661)
 - ii. 1 black four drawer file cabinet (#100640)
 - iii. 2 media carts (#00191 and #00217)
 - iv. 1 Sentry two drawer file cabinet (#100659)
 - v. 1 HON oak L-shaped desk (#100585)

Superintendent's Report and Recommendations:

1. Recommended: That the Board approve the following Resolution: RESOLVED, Alba Pettas, is, upon the recommendation of the Superintendent of Schools, appointed to a Students with Disabilities (Grades 1-6) teaching position and a Childhood Education (Grades 1-6) teaching position with a bilingual extension within the aforesaid tenure areas, for a probationary period to commence August 30, 2017 and expire as of August 29, 2021 subject to and pending her obtaining certifications as a Students with Disabilities (Grades 1-6) teacher and a Childhood Education (Grades 1-6) teacher, with a bilingual extension, at an annual salary of \$54,258.00 (Step 1/A of the salary schedule attached to the teachers' association collective bargaining agreement).
2. Recommended: That the Board approve the following Resolution: RESOLVED, Cheryl Jordan, is, upon the recommendation of the Superintendent of Schools, appointed to a Secondary Social Studies teaching position as a leave replacement commencing on August 30, 2017 through November 9, 2017, on a per diem basis at an annual salary based on BA/Step 1(\$271.29) per day).
3. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board of Education of the East Hampton Union Free School District pursuant to Rule 14 of the Suffolk County Civil Service Commission, upon the recommendation of the Superintendent of Schools, does hereby appoint Melissa Mahoney to the position of Paraprofessional for a probationary period of 26 weeks commencing September 5, 2017, and is to be paid at an annual salary based on \$25,381.00 (Step 1 of the salary schedule attached to the non-instructional collective bargaining agreement).
4. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board of Education of the East Hampton Union Free School District pursuant to Rule 14 of the Suffolk County Civil Service Commission, upon the recommendation of the Superintendent of Schools, does hereby appoint Michelle Sadowsky to the position of Paraprofessional for a probationary period of 26 weeks commencing September 5, 2017, and is to be paid at an annual salary based on \$25,381.00 (Step 1 of the salary schedule attached to the non-instructional collective bargaining agreement).

5. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board of Education of the East Hampton Union Free School District pursuant to Rule 14 of the Suffolk County Civil Service Commission, upon the recommendation of the Superintendent of Schools, does hereby appoint Jessica Sanna to the position of Paraprofessional for a probationary period of 26 weeks commencing September 5, 2017, and is to be paid at an annual salary based on \$25,381.00 (Step 1 of the salary schedule attached to the non-instructional collective bargaining agreement).
6. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board of Education of the East Hampton Union Free School District, pursuant to Rule 14 of the Suffolk County Civil Service Commission, upon the recommendation of the Superintendent of Schools, does hereby appoint Melissa Cunningham to the position of full-time bus driver for a probationary period of 26 weeks commencing August 30, 2017 and is to be paid at the annual salary based on \$33,079.00 (Step 1 of the salary schedule attached to the non-instructional collective bargaining agreement).
7. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board of Education of the East Hampton Union Free School District, pursuant to Rule 14 of the Suffolk County Civil Service Commission, upon the recommendation of the Superintendent of Schools, does hereby appoint Steven Sizse to the position of full-time bus driver for a probationary period of 26 weeks commencing August 30, 2017 and is to be paid at the annual salary based on \$33,079.00 (Step 1 of the salary schedule attached to the non-instructional collective bargaining agreement).
8. Recommended: That the Board approve the following Resolution: BE IT HEREBY RESOLVED THAT the Board of Education of the East Hampton Union Free School District approve the terms of the Memorandum of Agreement dated August 2, 2017 between the District and the East Hampton Teachers' Association regarding the revised levels of the Athletic Teams and Coaching Levels (Schedule D of the July 1, 2016-June 30, 2019 EHTA collective bargaining agreement) for Assistant Varsity Boys and Girls Tennis, and Assistant Varsity Boys and Girls Swim.
9. Recommended: That the Board approve the following appointments for the 2017-2018 school year:

Interscholastic Coaches – Fall Season

Molly Nolan, Varsity Assistant Girls Tennis Coach, 0 years, Level IV, \$4,970.00

Andrew Rodriguez, JV Boys Volleyball Coach, 0 years, Level III, \$6,212.00

Claude Beudert, Varsity Boys Tennis Coach, 11 years, Level II, \$9,374.00

Brian Cunningham, Varsity Assistant Boys Swim Coach, 5 years, Level III, \$6,523.00 - (amendment)

Substitute

Elizabeth Barton, PPS Reporter @ \$20.00 per hour

Website Advisor

Deborah Mansir at an annual stipend of \$5,000.00

DOT Coordinator

John White at an annual stipend of \$5,000.00 pro-rated – effective 8-16-17

Part-Time Substitute Custodian – Kevin Clancy
(at the hourly rate of \$17.94 per hour from July 19-August 4, 2017)

10. Recommended: That the Board approve the following appointments to teach an additional Secondary Special Education section for the 2017-2018 school year with compensation as follows:

Ingrid Tejada - \$14,257.80

Matthew Shimkus - \$13,071.80

11. Recommended: That the Board accept the second and final reading of the following amended District policies: (1) Community Use of School Facilities Policy (#3280); (2) Chromebook, Procedures, Information and Forms Policy (#8341); (3) Student Searches and Interrogations Policy (#7330); and (4) Operation of Motor-Driven Vehicles On District Property Policy (#3290).
12. Recommended: That the Board accept the second and final reading of the Charging School Meals Policy (# 5659).
13. Recommended: That the Board approve the following Resolution: RESOLVED, The Board of Education completed a Public Hearing on proposed changes to the District's Code of Conduct, as is required under NYS Education Law. Those present were invited to provide comment regarding the changes, and

NOW THEREFORE BE IT RESOLVED, that, upon the recommendation of the Superintendent of Schools, the Board of Education approve the revised District Code of Conduct as presented.

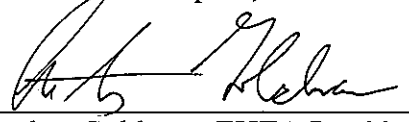
14. Recommended: That the Board approve the following Resolution: RESOLVED, that the Board approve the Shared Sports Agreements between East Hampton Union Free School District and each of the following school districts for the 2017-2018 school year:
- i. Springs Union Free School District;
 - ii. Montauk Union Free School District;
 - iii. Bridgehampton Union Free School District, and
 - iv. Ross School
15. Recommended: That the Board approve the Consultant Agreement between East Hampton Union Free School District and Consultant Rohan Murphy in the amount of \$1,500.00 for the purpose of presenting at the high school's Ninth Grade Orientation on August 31, 2017.
16. Recommended: That the Board approve the Independent Contractor Services Contract between East Hampton Union Free School District and CMV Driving School, LLC for the purposes of providing driver education services to eligible East Hampton High School students in the amount of \$450.00 per student for the 2017-2018 school year.

**Memorandum of Agreement
Between
East Hampton Board of Education
and
East Hampton Teachers' Association**

The authorized representatives of the Board of Education of the East Hampton Union Free School District ("District") and the East Hampton Teachers' Association ("EHTA") hereby agree to amend SCHEDULE D of the parties' 2016-2019 collective bargaining agreement ("Agreement") in the manner set forth below. The parties agree that the terms below shall be effective as of August 16, 2017.

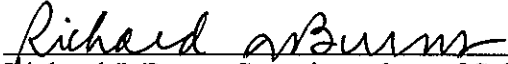
1. The new positions of **Assistant Varsity Boys and Girls Tennis Coaches** shall be added to Level IV.
2. The positions of **Assistant Varsity Boys and Girls Swim Coaches** shall be changed from Level IV to Level III.

Dated: August 2, 2017
Easthampton, NY



Arthur Goldman, EHTA President

Date: 8/2/2017



Richard J. Burns, Superintendent of Schools
East Hampton Union Free School District

Date: 8/2/2017

EAST HAMPTON UNION FREE SCHOOL DISTRICT

2 Long Lane, East Hampton, NY 11937

Telephone: 631.329.4143, Fax: 631.329.4146

Email: jvas@ehufsd.org



*Joseph Vassle-Cozzo, Director
Physical Education,
Health & Athletics*

*"HOME OF THE BONACKERS"
BONACKERS"*

SPRINGS UNION FREE SCHOOL DISTRICT AND EAST HAMPTON UNION FREE SCHOOL DISTRICT SHARED SPORTS AGREEMENT

AGREEMENT made this 3 day of July, 2017, between the Springs Union Free School District (Springs) and the East Hampton Union Free School District ("East Hampton" and collectively as the "Districts").

WHEREAS, the Districts wish to enhance the inter-scholastic athletic opportunities for their students by permitting students from each District to compete together on certain inter-scholastic athletic teams ("shared sports").

NOW, THEREFORE the Districts hereby agree as follows:

1. The term of this Agreement shall be for the 2017-2018 school year.
2. The Hosting District shall ensure that each shared sport is provided in accordance with all applicable rules and regulations, including but not limited to NYS Education Law, the State Education Department's Rules and Regulations and the Rules of Section XI, and New York State Public High School Athletic Association (NYSPHSAA).
3. The Superintendent of each District, or his/her designee, is hereby authorized to collaborate in order to provide inter-scholastic athletic opportunities to students of each District.
4. The Superintendent of each District, or his/her designee, shall determine which sports shall be shared between the Districts; which District shall serve as the "Hosting District" for each shared sport, and which District shall serve as the "Sending District" for each shared sport.
5. The Sending District shall reimburse the Hosting District on a per-student basis for each shared sport in accordance with the following formula:
 - a. Determine the per-student cost for the shared sport by computing the total cost of the shared sport provided by the Hosting District divided by the total number of students on the shared sports team.
 - b. Determine total reimbursement due to the Hosting District by computing the cost per-student for the shared sport multiplied by the number of students participating in the shared sport from the Sending District.

6. The Sending District will indemnify the Hosting District on account of any damages leading to judgments or settlements on account of injuries or deaths sustained by a Sending District's student athletes, and will further name the Hosting District as an "additional insured" on its liability coverage policy (as to claims/actions arising from the Sending District's student participation on a sports team.)

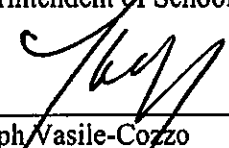
IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of _____, 2017.

SPRINGS UFSD

By: 

SCHOOL DISTRICT

By: _____
Richard J. Burns
Superintendent of Schools

By: 
Joseph Vasile-Cozzo
Director of Physical Education,
Health & Athletics

EAST HAMPTON UNION FREE SCHOOL DISTRICT

2 Long Lane, East Hampton, NY 11937

Telephone: 631.329.4143, Fax: 631.329.4146

Email: jvas@ehufsd.org



Joseph Vasile-Cozzo, Director
Physical Education,
Health & Athletics

*“HOME OF THE BONACKERS”
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MONTAUK UNION FREE SCHOOL DISTRICT AND EAST HAMPTON UNION FREE SCHOOL DISTRICT SHARED SPORTS AGREEMENT

AGREEMENT made this 19 day of June, 2017, between the Montauk Union Free School District (Montauk) and the East Hampton Union Free School District (“East Hampton” and collectively as the “Districts”).

WHEREAS, the Districts wish to enhance the inter-scholastic athletic opportunities for their students by permitting students from each District to compete together on certain inter-scholastic athletic teams (“shared sports”).

NOW, THEREFORE the Districts hereby agree as follows:

1. The term of this Agreement shall be for the 2017-2018 school year.
2. The Hosting District shall ensure that each shared sport is provided in accordance with all applicable rules and regulations, including but not limited to NYS Education Law, the State Education Department’s Rules and Regulations and the Rules of Section XI, and New York State Public High School Athletic Association (NYSPHSAA).
3. The Superintendent of each District, or his/her designee, is hereby authorized to collaborate in order to provide inter-scholastic athletic opportunities to students of each District.
4. The Superintendent of each District, or his/her designee, shall determine which sports shall be shared between the Districts; which District shall serve as the “Hosting District” for each shared sport, and which District shall serve as the “Sending District” for each shared sport.
5. The Sending District shall reimburse the Hosting District on a per-student basis for each shared sport in accordance with the following formula:
 - a. Determine the per-student cost for the shared sport by computing the total cost of the shared sport provided by the Hosting District divided by the total number of students on the shared sports team.
 - b. Determine total reimbursement due to the Hosting District by computing the cost per-student for the shared sport multiplied by the number of students participating in the shared sport from the Sending District.

6. The Sending District will indemnify the Hosting District on account of any damages leading to judgments or settlements on account of injuries or deaths sustained by a Sending District's student athletes, and will further name the Hosting District as an "additional insured" on its liability coverage policy (as to claims/actions arising from the Sending District's student participation on a sports team.)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of ____, 2017.

MONTAUK UFSD

By: *Philip Perna*

SCHOOL DISTRICT

By: _____

Richard J. Burns
Superintendent of Schools

By: *Joseph Vasile-Cozzo*

Joseph Vasile-Cozzo
Director of Physical Education,
Health & Athletics

EAST HAMPTON UNION FREE SCHOOL DISTRICT

2 Long Lane, East Hampton, NY 11937

Telephone: 631.329.4143, Fax: 631.329.4146

Email: jvas@ehufsd.org



Joseph Vasile-Cozzo, Director
Physical Education,
Health & Athletics

*“HOME OF THE BONACKERS”
BONACKERS”*

BRIDGEHAMPTON UNION FREE SCHOOL DISTRICT AND EAST HAMPTON UNION FREE SCHOOL DISTRICT SHARED SPORTS AGREEMENT

AGREEMENT made this 12th day of July, 2017, between the Bridgehampton Union Free School District (Bridgehampton) and the East Hampton Union Free School District (“East Hampton” and collectively as the “Districts”).

WHEREAS, the Districts wish to enhance the inter-scholastic athletic opportunities for their students by permitting students from each District to compete together on certain inter-scholastic athletic teams (“shared sports”).

NOW, THEREFORE the Districts hereby agree as follows:

1. The term of this Agreement shall be for the 2017-2018 school year.
2. The Hosting District shall ensure that each shared sport is provided in accordance with all applicable rules and regulations, including but not limited to NYS Education Law, the State Education Department’s Rules and Regulations and the Rules of Section XI, and New York State Public High School Athletic Association (NYSPHSAA).
3. The Superintendent of each District, or his/her designee, is hereby authorized to collaborate in order to provide inter-scholastic athletic opportunities to students of each District.
4. The Superintendent of each District, or his/her designee, shall determine which sports shall be shared between the Districts; which District shall serve as the “Hosting District” for each shared sport, and which District shall serve as the “Sending District” for each shared sport.
5. The Sending District shall reimburse the Hosting District on a per-student basis for each shared sport in accordance with the following formula:
 - a. Determine the per-student cost for the shared sport by computing the total cost of the shared sport provided by the Hosting District divided by the total number of students on the shared sports team.
 - b. Determine total reimbursement due to the Hosting District by computing the cost per-student for the shared sport multiplied by the number of students participating in the shared sport from the Sending District.

6. The Sending District will indemnify the Hosting District on account of any damages leading to judgments or settlements on account of injuries or deaths sustained by a Sending District's student athletes, and will further name the Hosting District as an "additional insured" on its liability coverage policy (as to claims/actions arising from the Sending District's student participation on a sports team.)

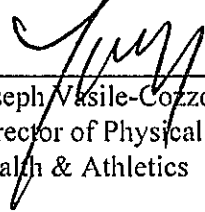
IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of ____, 2017.

BRIDGEHAMPTON UFSD

By: 

SCHOOL DISTRICT

By: _____
Richard J. Burns
Superintendent of Schools

By:  _____
Joseph Vasile-Cozzo
Director of Physical Education,
Health & Athletics

EAST HAMPTON UNION FREE SCHOOL DISTRICT

2 Long Lane, East Hampton, NY 11937

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Email: jvas@ehufsd.org



*Joseph Vasile-Cozzo, Director
Physical Education,
Health & Athletics*

***"HOME OF THE BONACKERS"
BONACKERS"***

ROSS SCHOOL AND EAST HAMPTON UNION FREE SCHOOL DISTRICT SHARED SPORTS AGREEMENT

AGREEMENT made this 7 day of July, 2017, between the Ross School (Ross) and the East Hampton Union Free School District ("East Hampton" and collectively as the "Districts").

WHEREAS, the Districts wish to enhance the inter-scholastic athletic opportunities for their students by permitting students from each District to compete together on certain inter-scholastic athletic teams ("shared sports").

NOW, THEREFORE the Districts hereby agree as follows:

1. The term of this Agreement shall be for the 2017-2018 school year.
2. The Hosting District shall ensure that each shared sport is provided in accordance with all applicable rules and regulations, including but not limited to NYS Education Law, the State Education Department's Rules and Regulations and the Rules of Section XI, and New York State Public High School Athletic Association (NYSPHSAA).
3. The Superintendent of each District, or his/her designee, is hereby authorized to collaborate in order to provide inter-scholastic athletic opportunities to students of each District.
4. The Superintendent of each District, or his/her designee, shall determine which sports shall be shared between the Districts; which District shall serve as the "Hosting District" for each shared sport, and which District shall serve as the "Sending District" for each shared sport.
5. The Sending District shall reimburse the Hosting District on a per-student basis for each shared sport in accordance with the following formula:
 - a. Determine the per-student cost for the shared sport by computing the total cost of the shared sport provided by the Hosting District divided by the total number of students on the shared sports team.
 - b. Determine total reimbursement due to the Hosting District by computing the cost per-student for the shared sport multiplied by the number of students participating in the shared sport from the Sending District.

6. The Sending District will indemnify the Hosting District on account of any damages leading to judgments or settlements on account of injuries or deaths sustained by a Sending District's student athletes, and will further name the Hosting District as an "additional insured" on its liability coverage policy (as to claims/actions arising from the Sending District's student participation on a sports team.)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this ____ day of ____, 2017.

ROSS SCHOOL

By: _____

Assist. Head of Upper School
Ben Bonaventura

SCHOOL DISTRICT

By: _____

Richard J. Burns
Superintendent of Schools

By: _____

Joseph Vasile-Gozzo
Director of Physical Education,
Health & Athletics

CONSULTANT AGREEMENT

AGREEMENT made this 1st day of August, 2018, by and between Rohan Murphy ("Consultant"), whose principal place of business is 3017 Catemaran Cove, Villa Rica, GA, 30180, and the Board of Education of the East Hampton Union Free School District ("District"), 4 Long Lane, East Hampton, New York 11572.

WHEREAS, the District desires to retain the professional services of Consultant to provide a presentation for 9th grade orientation, and

WHEREAS Consultant is duly certified and/or qualified under the laws of the State of New York and regulations of the Commissioner of Education to provide such services;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements herein contained, and for other good and valuable considerations, the Consultant and the District hereby agree as follows:

1. At the District's request, the Consultant will provide the following services:

Presentation at East Hampton High School, August 31, 2017.

2. The District agrees to pay the Consultant \$1,500 within 30 days of receipt of invoice. There shall be no other benefits or compensation.

3. This Agreement shall be subject to termination with or without cause by the District upon seven (7) days' notice in writing to the Consultant at the address noted above. Upon termination, all obligations under this Agreement shall cease, and the Consultant shall be entitled to reimbursement only for services rendered as of the effective date of termination.

4. Consultant and the District will have the status of independent contractor one to the other, and, unless otherwise expressly agreed in writing, neither will constitute the agent of the other for any purpose.

5. Consultant agrees to indemnify and hold harmless the District, its board of education members, officers, agents and employees against any and all causes of actions, claims, liabilities, losses or damages arising in any manner from the performance of services under this Agreement by the Consultant.

6. Consultant will maintain general and professional liability insurance of \$1,000,000/\$3,000,000. Consultant will provide the District with documentation of such insurance coverage. If for any reason Consultant's insurance is changed or cancelled, Consultant shall provide the District with written notice, at least ten (10) days prior to

2

INDEPENDENT CONTRACTOR SERVICES CONTRACT

This Agreement is entered into this ____ day of July 2017, by and between the Board of Education of the East Hampton Union Free School District (hereinafter the "District"), having its principle place of business for the purpose of the Agreement at 4 Long Lane, East Hampton, New York and CMV Driving School, LLC (hereinafter the "Independent Contractor") having a principle mailing address of 9 Buell Lane, East Hampton, NY 11937.

A. TERM.

1. The term of this Agreement shall be from September 1, 2017 through August 31, 2018, inclusive, unless terminated early as provided for this Agreement. It is understood that the DISTRICT is under no obligation to renew this Agreement upon its expiration.

B. CONDITIONS.

In Performing services specified in this Agreement, it is understood that:

1. CMV Driving School, LLC will be engaged as an Independent Contractor, and therefore be solely responsible for the payment of Federal and State income taxes applicable to this Agreement.
2. Neither Independent Contractor nor any of its employees, agents or assigns will be eligible for any employee benefits whatsoever relative to this contract including, but not limited to, social security, New York State Workers' Compensation, unemployment insurance, New York State Employees' Retirement System, health or dental insurance, or malpractice insurance, or the like.
3. This Agreement, and any amendments to this Agreement, will not be in effect until agreed in writing, and signed by authorized representatives of both parties.
4. Independent Contractor agrees to defend, indemnify and hold harmless the DISTRICT, its officers, directors, agents, or employees against all claims, demands, actions, lawsuits costs, damages and expenses, including attorneys' fees, judgements, fines and amounts arising from any willful act, omission, error, recklessness or negligence of the Independent Contractor, its officers, directors, agents or employees in connection with the performance of services pursuant to this Agreement.

C. SERVICES AND RESPONSIBILITIES.

1. The Independent Contractor shall provide services set forth in this Agreement, and Rider. Independent Contractor shall provide a variety of consulting activities as follows:
 - a. To provide driver education training, including lessons in automobile and theory of driving in order to educate students as to the necessary skills to secure a New York State Driver's License; such skills to be provided during fall semester, spring semester, and summer semester (see attached Rider "A" for additional requirements and services to be provided).

2. Independent Contractor shall perform all services under this Agreement in accordance with all applicable Federal, State and local laws, rules and regulations, as well as the established policy guidance from the New York State Department of Education.
3. Independent Contractor hereby represents that he/she is duly licensed and/or certified to perform the services set forth in this Agreement. Independent Contractor shall provide the appropriate proof of such licensure, and any other license or certification applicable.
4. Independent Contractor shall provide the DISTRICT with a Certificate of Insurance naming the DISTRICT as an indemnified party to the extent of being named an additional insured under the terms of the policy of insurance to be provided.
5. Independent Contractor shall provide all services pursuant to this Agreement in a competent, professional and timely manner.

D. COMPENSATION.

1. Independent Contractor shall submit invoices for payment for services on the basis of one-half the fee due no later than three weeks after a semester commences and the balance at the conclusion of the semester.
2. Each student shall pay East Hampton Union Free School District the sum of Six Hundred and Fifty Dollars (\$650.00). The fee is non-refundable after the student has completed two classes.
3. Compensation for the Independent Contractor shall be at the rate of Four Hundred and fifty Dollars (\$450.00) per student paid as follows: one-half of the \$450.00 shall be paid to the Independent Contractor three weeks into the semester, and the remaining one-half paid at the end of the semester.

E. TERMINATION.

The Independent Contractor services shall be covered by the terms of this Contract. The parties may not terminate the Contract any time except for cause. Any disputes will be settled by an independent arbitrator agreeable to both sides.

F. SUCCESSORS AND ASSIGNS.

It is expressly understood that this Agreement shall not be assigned or transferred without prior written consent of the other party.

G. WAIVER OF RIGHTS.

The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce provisions of this Agreement.

H. SEVERABILITY.

Should any provision of this Agreement, for any reason, be declared invalid and/or unenforceable, such decision shall not affect the validity of the remaining provisions of this Agreement. Such remaining provisions shall remain in full force and effect as if this Agreement had been executed with the invalid provision(s) eliminated.

I. GOVERNING LAW.

This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with, and governed by, the laws and regulations of the State of New York and applicable Federal laws and regulations.

J. ENTIRE AGREEMENT.

1. This Agreement is the complete and exclusive statement of the Agreement between the parties, and supersedes all prior or contemporaneous, oral or written: agreements, proposals, understandings, representations, conditions or covenants between the parties relating to the subject matter of the Agreement.
2. This Agreement may not be changed orally, but only by an Agreement, in writing, signed by the authorized representatives of both parties.
3. To be in force and effect, this Agreement must be approved by the Board of Education.
4. The Independent Contractor is to comply with all provisions set forth within the attached Rider.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first above written.

CMV DRIVING SCHOOL, LLC.

By: 

EAST HAMPTON UNION FREE SCHOOL DISTRICT

By: _____
Superintendent of Schools

RIDER "A"

INSURANCE SPECIFICATIONS

SPECIFIC INSURANCE REQUIREMENTS: The Independent Contractor must provide at the execution of the contract, an insurance certificate for comprehensive automobile liability insurance coverage on all owned, hired, leased, or non-owned vehicles, with a minimum limit of one million dollars (\$1,000,000.00) per occurrence Combined Single Limit. Policy should include Code-1-"any auto" and Insurance Service Office (ISO) endorsement CA 0029 Changes in business Auto & Truckers Coverage. Additionally, physical damage (comprehensive & collision) coverage must be provided. It is also required that the East Hampton UFSD be named on the policy as additionally insured.

The Driving School's Comprehensive Automobile and commercial General Liability insurance coverage shall be primary insurance as respects to the District, its Board, officers, employees and volunteers shall be in excess of the Driving School's insurance and shall not contribute to it. The District and its Board shall enjoy all rights and privileges of the policy without responsibility to pay premiums.

Commercial General Liability Insurance: "Occurrence" form, including Premises-operations, Products-Completed Operations, Contractual, Personal Injury, Owner-Contractor Protective & Fire Damage Legal Liability coverage shall be in the amount of one million (\$1,000,000.00) dollars per occurrence, two million (\$2,000,000.00) dollars aggregate.

The Certificate of Insurance kept on file with the District must have an automatic Department of Motor Vehicles notification for any lapses in coverage.

Workers Compensation Insurance: Proof of insurance as required under New York State.

The Independent Contractor agrees to indemnify and release and hold harmless the Board of Education, its agents and employees from all claims of loss or damage to persons or property arising within the course of the Independent Contractor's contract of duties.

Vehicles and Staffing:

Vehicles will accommodate four students and must be dual controlled with bucket or split bench front seats, and safety equipped in accordance with NYS Department of Motor Vehicles regulations. All New York State requirements for a driver education car must be met. The Independent Contractor must supply the name, make and model number of the dual controlled vehicles to be furnished.

All vehicles must be approved in accordance with regulations of the NYS Motor Vehicle Bureau and properly state inspected. They must be maintained with a detailed record of service and be equipped with "Student Driver" signs.

All staff will be appropriately licensed in accordance with NYS Department of Motor Vehicles regulations. They will be required to dress professionally and to observe appropriate demeanor when on duty with students. No smoking is permitted at any time in the cars or on school grounds by either students or teachers.

The Independent Contractor will provide sufficient vehicles to accommodate all students.

CURRICULUM: The curriculum will focus on defensive driving techniques and it will include the demonstration of emergency procedures. The driving instructor will follow the prescribed curriculum as outlined by the New York State Education Department –Safety Education Unit. The in-car program will be conducted in conjunction with the lecture phase of the program to provide a smooth articulation between the two phases of the program. The Independent Contractor will maintain a student record card provided by the School District for each student.

VEHICLE(S): All vehicles used in the program will be dual controlled and safety equipped in accordance with NYS Department of Motor Vehicles regulations. All New York State regulations for a driver-education card must be met. All vehicles will be appropriately maintained with a detailed record of service. All Staff will be appropriately licensed in accordance with NYS Department of Motor Vehicles regulations.

At times, handicapped students may desire to participate in the driver's training program, requiring the use of special equipment, i.e., Hand Controls and Large Mirrors. The instruction will be given within one of the estimated groups. The Independent Contractor will be notified regarding special needs should the occasion arise. It is expected that he students can qualify for an operator's license upon successfully completing the New York State Motor Vehicle Department's Examinations.


The contract shall be void if the New York State Education Department does not grant approval to East Hampton UFSD's application for Summer Driver Education Program. East Hampton UFSD will notify Independent Contractor as soon as possible of the status of said application.

LABOR REQUIREMENTS: The Independent Contractor for IN-CAR DRIVER EDUCATION under these specification must comply with Section 220-E of the New York State Labor and Education Laws, and Regulations governing schoolwork.

RECORDKEEPING: Independent Contractor shall maintain a record of attendance for each assigned student. A written roster containing numerical grades for each student will be given to the Driver Education Program Director within one (1) week after the course is completed.

CMV Driving School, LLC

EAST HAMPTON UNION FREE SCHOOL DISTRICT

BY: 

BY: _____
Superintendent of Schools

Community Relations**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES**

The school buildings and grounds are maintained for the education and recreation of the school children of the District; however, the District seeks to provide for safe, healthy, and enjoyable experiences for community members. The District invites members of the East Hampton community to use District facilities for authorized purposes when the facilities are available. First priority for use will be given to school sponsored events and then to those organizations whose proposed activities directly serve the children of the District. School teams take priority over all other groups.

Use of facilities implies responsibility to use the facilities appropriately, and within the policies of the School Board and the administrative procedures of the School District.

All activities conducted on school property shall conform to New York State Education Law Section 414, as well as other applicable New York State laws and municipal ordinances.

I. Permitted Uses

District facilities may be utilized for the purposes below, subject to the restrictions and conditions set forth in this policy. Priority will be given to the children of the District and then to organizations or events where the majority of those served are East Hampton Township residents. District fields are available to youth-servicing organizations.

- A. Instruction in any branch of education, learning, or the arts.
- B. Social, civic, recreational or other uses that serve the children of the East Hampton School District and/or members of the East Hampton Community and are non-exclusive and open to the general public.
- C. Meetings or events where admission fees are charged, provided that such use has been approved in advance by the Superintendent, and the activity provides a direct benefit or service to the children of the District and/or members of the East Hampton Township.
- D. Fundraising events, provided that all proceeds from the event are to be spent for an educational or charitable purpose serving the children of the East Hampton School District and/or the residents of the East Hampton Township.
 - i. All fundraising event applications are subject to review by the Board of Education and may be denied if it is determined that:
 - ii. the event would unduly burden the District's facilities and/or administrative Personnel,
 - iii. The event will not benefit an organization directly serving the children of East Hampton, and/or the residents of the East Hampton Township.
- E. Polling places for holding primaries and elections, and for the registration of voters.

Community Relations**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd)**

- F. Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the district and, if there is additional space available, for children of employees of the district.

Additionally, as a condition of receiving state funding, the district permits access to military recruiters to school buildings, grounds and facilities to the same extent it provides access to those who inform students of educational, occupational or career opportunities.

II. Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

- A. Meetings sponsored by political organizations.
- B. Meetings, entertainments and occasions, where admission fees are charged, that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer firefighters or volunteer ambulance workers.

III. Conditions For Use of District Facilities

- A. Use of District facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The District reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs.
- B. Sunday Use of School Buildings (Indoor Use) - The District's indoor facilities are closed to the general public on Sundays. The Superintendent shall establish rules governing the Sunday use of indoor facilities for staff and students. Such use shall be exclusively in connection with official School District curricular or extracurricular activities that cannot be adequately accommodated on other days.
- C. The Board reserves the discretion to deny use of District facilities described above, or to terminate use of District facilities:
1. By an applicant who has previously misused or abused District facilities or property or who has violated this policy;
 2. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
 3. For any use which the Board deems inconsistent with this policy;

Community Relations**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd)**

4. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed. Smoking is prohibited in school buildings and on school grounds. No person shall knowingly have in his/her possession, upon any premises to which these rules apply, any alcoholic beverages and/or illegal or non-prescribed "controlled substances."
5. For any use prohibited by a law.

IV. Application Procedure, Liability and Insurance for Use of Facilities

- A. All applications for use of school facilities shall be made in writing and submitted to the Assistant Superintendent for Business at least two weeks prior to the date of the requested use. A "use permit" application is available in the District Office.
- B. The applicant must clearly and completely describe the intended use of the District facility in the application.
- C. All applicants should review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use District facilities strictly in accordance with the use described in the application.
- D. All applicants must be twenty one years of age or older and agree to assume responsibility for all damages resulting from their use of District facilities. Proof of adequate insurance in the form of Certificate of Liability Insurance naming the District as additionally insured must be provided by the applicant at least 10 days before the date of the requested use and must specify coverage of at least \$1,000,000.00 per occurrence and aggregate coverage of at least \$2,000,000.00.
- E. The District requires a security deposit, as necessary, which may be waived at the discretion of the Superintendent.
- F. Permits shall be valid only with the dates and time specified in the permit. No adjustment to the permit shall be allowed except with the prior written approval of the Superintendent. Permits shall not be transferable.
- G. The Superintendent or his/her designee is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reasons.
- H. With regard to scheduling activities, the District retains the right to give preference to groups and organizations which are associated with or sponsored by the District.
- I. Issuance of a permit shall not limit the right of access to the facility by District staff.
- J. The District, at its sole discretion, shall determine the amount of custodial, maintenance, security coverage, and any special personnel required to support the applicant's building use.
- K. Organizations authorized to use school facilities assume responsibility for the conduct of

Community Relations**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd)**

- both participants and spectators. Each group shall designate a responsible adult representative who must be present at all times. Arrangements for supervision of anticipated crowds must receive prior approval of the Building Principal.
- L. School facilities must be left in the same condition in which they were found. Desks, displays, etc., should not be disturbed. All electrical equipment or movable properties owned by the District shall at all times remain under the control of the District.
 - M. Community groups shall be liable for any damage to school property resulting from activities they sponsor. A check of the school facility shall be made before and after each activity by the person in charge or his/her designee.
 - N. Kitchen facilities are only available by prior arrangement with the Food Service Supervisor and only when a Food Service employee is on duty.
 - O. The District shall assume no responsibility for equipment or property belonging to a community group or organization. Such property shall not be stored on school property, unless specifically approved by the person in charge or his/her designee.
 - P. Admission charges, approved registration fees, or concessions may only be administered as stated on the request.
 - Q. The District assumes no liability for injuries resulting from community group activities.
 - R. The School District or its representatives must have free access to all facilities at all times.
 - S. The District reserves the right to revoke authorization to use school facilities at any time. In case of emergency, all buildings will be available to the American Red Cross.

IV. Fee Schedules:

Not-for-Profit Youth-Serving Organizations There will be no fees charged to youth organizations. 51% of the entire organization must be residents of the East Hampton Township.

For all organizations and groups, an initial deposit of \$200.00 is required at the time of application for all applicants. Deposit will be refundable upon inspection of site. The site must be left in the same condition as found.

The Superintendent and the Board of Education reserve the right to determine appropriate use fees for facility usage. Fees shall be sufficient to cover all operational expenses and associated costs, unless specifically waived for such applicant by Board policy or the Superintendent. Use of District facilities will be permitted only where the applicant agrees to pay the District a user fee according to a schedule adopted by the District to cover the costs of heat, electricity, maintenance, custodial services, and security and any other expenses associated with the requested use, unless such fees are specifically waived for such applicant by Board policy or the Superintendent. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The District retains the right to condition use upon an applicant depositing with the District a sum equaling the

Community Relations**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (Cont'd)**

estimated costs and fees associated with the proposed use ten (10) days in advance of the requested use.

NOTE: Fees are designed to protect the District against the uncompensated loss of programmatic resources, including, but not limited to the following: Overtime pay for support staff, electricity, natural gas, fuel oil, cleaning supplies, paper goods, wear and tear on floors, furniture, light bulbs, clerical and security.

Fee schedules will be developed for the following categories:**Fee Schedule A:**

Not-for-Profit Organizations – 51% of the participants must be residents of East Hampton Township. Inside building use is permitted. Inside use includes gymnasium, auditorium, library, multi-purpose room, and classrooms. *Outside field use is not permitted for adult groups or organizations.

Fee Schedule B:

For-Profit Groups (Residents) - 51% of the participants must be residents of East Hampton Township. Inside building use is permitted. Inside use includes gymnasium, auditorium, library, multi-purpose room, and classrooms. Outside field use is not permitted for adult groups or organizations.

Not-For Profit Charitable Fundraising Events - A District fee will be charged as per the schedule below. The Superintendent will have the discretion for each application. Inside use includes gymnasium, auditorium, library, multi-purpose room, and classrooms. Outside field use is not permitted for adults. In addition, an initial deposit of \$200.00 is required at the time of application for all applicants. Deposit will be refundable upon inspection of site.

Fee Schedule C:

For-Profit Groups (Non-Residents) - A District fee will be charged as per the schedule below. The Superintendent will have the discretion for each application. Residents and students must benefit from the event. Inside use includes gymnasium, auditorium, library, multi-purpose room, and classrooms. Outside field use is not permitted for adult groups or organizations.

20 United States Code (USC) Section 7905

36 United States Code (USC) Subtitle II

34 Code of Federal Regulations (CFR) Parts 75, 76 and 108

Education Law Section 414

NY Constitution Article 8

Adoption Date: 5/21/13, Amended: 11/19/13, Amended: 8-15-17

SUBJECT: CHROMEBOOKS AND CHROMEBOOK PROCEDURES, INFORMATION AND FORMS**Mission Statement:**

The focus of the Chromebook program at East Hampton Union Free School District is to provide 21st Century technology and resources to students to better prepare them for higher education and the workforce. Increased efficiency in student/teacher and student/student communication and collaboration, as well as the enhanced sharing and storage of data, will increase the time focused on student learning.

The East Hampton School District (EHUFSD) has developed a four year plan to provide all students in grades 5 through 12 access to individual Chromebooks while maintaining the Board of Education directive to maintain a fiscally responsible budget.

The policies, procedures and information within this document apply to all Chromebooks used at East Hampton Union Free School District and any other device considered by the administration to come under this policy.

Note to parents and students:

Chromebooks will be an integral part of your child's education. Chromebooks will be issued to all students in grades five and nine each school year. Using the EHUFSD-issued Chromebook is not mandatory as students may choose to use their own personal device as long as the device meets the system requirements to run the Google Chrome Internet browser. Students with personal devices are expected to adhere to the same standards as in-school devices. The EHUFSD is not liable for loss, theft, or damage of personal devices brought to school.

Chromebooks issued to students remain the property of the school district. As with school lockers. Students have no reasonable expectation of privacy with respect this device. This means that the device may be subject to search at any time by school officials, without prior notice to students and without their consent.

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1. RECEIVING YOUR CHROMEBOOK AND CHROMEBOOK CHECK-IN

1.1 Receiving Your Chromebook

Each year fifth and ninth grade students will receive the option to checkout a New Chromebook device.

Fifth and Ninth grade students will be given the option to receive a new district issued Chromebook device. If a student chooses not to accept the school issued device it will be the student and guardian's responsible to supplying their own personal form of technology in order to complete online assignments and assessments.

Orientation on Chromebooks will normally take place in a classroom setting and students will receive instructions both verbally and digitally explaining the expectations of the school district concerning their Chromebook's use, care and how to handle Chromebook damage, malfunctions and other issues.

When a Chromebook is issued to a student, it will be their device for the next four-years or until they graduate, transfer or are issued a new device in ninth grade.

Student will be prompted to agree to the district's Acceptable Use Policy before using the school network and any school issued devices.

The Chromebook Protection plan outlines accidental insurance coverage and what to do in the event of loss, theft, or damage of EHUFSD - issued Chromebooks. Please review the Chromebook Protection plan included in this handbook.

1.2 Chromebook Check-In

Elementary School and Middle School Students ONLY

Individual Chromebooks and accessories must be returned to the EHUFSD at the end of each school year.

Chromebooks will be returned by students during the final month of school so Chromebooks can be checked for serviceability and reconditioned as needed for the following school year. If a student transfers out of the EHUFSD during the school year, the Chromebook and all accessories must be returned at that time.

Students who graduate early, withdraw, or terminate enrollment at the East Hampton School District for any other reason must return their individual school Chromebook on the date of termination.

High School Students ONLY

Individual Chromebooks and accessories will be the student's responsibility to care for and

maintain.

If a student transfers out of the EHUFSD, withdraws, graduates early or is expelled the Chromebook and all accessories must be returned on or before that date.

1.3 Check-In Fines

If an elementary or middle school student fails to return the Chromebook at the end of the school year or any student fails to return the Chromebook upon termination of enrollment at EHUFSD, the parent/guardian will be expected to cover the replacement cost of the device and accessories. Failure to do so will result in the filing of a report with the appropriate law enforcement agency and an Insurance claim.

2. TAKING CARE OF YOUR CHROMEBOOK

Students are responsible for the general care of the Chromebook they have been issued. Chromebooks which are broken or fail to work properly must be brought immediately to the designated help desk area or to a teacher for evaluation of the equipment. The Chromebook is school property and all users are expected to follow the EHUFSD Network and Computer Acceptable Use Policy, as well as their building Code of Conduct. (See Chromebook Guidelines)

3. MANAGING FILES AND SAVING INFORMATION

3.1 Saving to On-line Storage

The EHUFSD GAFE domain allows students unlimited storage. Students may save work to their home directory on the Google Drive. Google Chromebook malfunctions are not an acceptable excuse for not submitting work.

3.2. Network Connectivity

The EHUFSD makes no guarantee that the EHUFSD network will be up and running 100% of the time. In the event that the network is down, the District will not be responsible for lost or missing data.

4. SOFTWARE ON CHROMEBOOK

4.1 Originally Installed Software

The school may add software applications for use in a particular course. The licenses for this software require that the software be deleted from Chromebooks at the completion of the course.

4.2 Additional Software

Students are not permitted to load software/Apps on their Chromebooks and are restricted to the limitation set forth by EHUFSD Network Policy and on the device. EHUFSD will synchronize the Chromebooks so that they contain the necessary apps for school work. EHUFSD deems the right to review and change this policy at any time within the year.

4.3 Inspection

Students may be selected at random to provide their Chromebook for inspection, Any infraction of the district policies will result in disciplinary actions.

4.4 Procedure For Re-Loading Software

If technical difficulties occur or unapproved Apps are discovered, the Chromebook will be restored to factory settings. The school does not accept responsibility for the loss of any software or documents deleted due to a reformat and re-image.

5. ACCEPTABLE USE

The use of the EHUFSD technology resources is a privilege, not a right. The privilege of using the technology resources provided by the EHUFSD is not transferable or extendible by students to people or groups outside the district and terminates when a student is no longer enrolled in the East Hampton Union Free School District. The District will provide a policy to make all users aware of the responsibilities associated with efficient, ethical, and lawful use of technology resources. If a person violates any of the User Terms and Conditions named in this policy, privileges may be terminated, access to the school district technology resources may be denied, and the appropriate disciplinary action shall be applied. The EHUFSD Student Code of Conduct shall be applied to student infractions. Violations may result in disciplinary action up to and including suspension/expulsion for students. When applicable, law enforcement agencies may be involved.

5.1 Chromebook Care

Students will be held responsible for maintaining their individual Chromebooks and keeping them in good working order. Chromebook batteries must be charged and ready for school each day.

6. PROTECTING AND STORING YOUR CHROMEBOOK COMPUTER

6.1 Chromebook Identification

Student Chromebooks will be labeled in the manner specified by the school; Chromebooks can be identified in the following ways: Record of serial number/asset tag, EHUFSD label, and student's name.

7. REPAIRING OR REPLACING YOUR CHROMEBOOK

7.1 Third Party Protection

The EHUFSD has opted to insure our student issued Chromebooks at the replacement value. It is imperative that Chromebook issues or loss is reported immediately so a report can be filed in a timely manner. The school district's third party insurance coverage is summarized in the Chromebook Guidelines.

8. COST OF REPAIRS

Students will be held responsible for ALL expense associated with damage to their Chromebook that is not covered by the Chromebook insurance policy. Should the EHUFSD incur expense for repair or replacement of a device or accessory, the student/parent will be held responsible for full reimbursement. Students will be charged the actual deductible replacement cost for lost items properly filed with the insurance policy.

Adoption Date: 8-18-15

Amended: 8-15-17

SUBJECT: STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring a safe environment for our students. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Building Principals, and the school nurse to conduct searches of students and their belongings (which, for purposes of this policy, includes vehicles they have parked at school or school events, and items they possess on school property), in most instances, with exceptions set forth below in A. and B., 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. The Superintendent of Schools is authorized to implement a process whereby trained dogs may sniff lockers, desks, or other storage areas to determine whether evidence of a violation of the law, school policy, or rules may be discovered by a search of the area. A positive alert by the trained dog may constitute reasonable suspicion to search the contents of a locker, desk, a student's possessions or other areas.

In addition 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.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

Whenever practicable, searches will be conducted in the privacy of administrative offices and

SUBJECT: STUDENT SEARCHES AND INTERROGATIONS (cont'd)

students will be present when their possessions are being searched.

A. Student Lockers, Desks, School Issued Electronic Devices 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, school issued electronic devices, 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, school issued electronic devices and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent shall make a determination in consultation with the school attorney. Any strip search must be conducted by an authorized school official of the same sex as the student, in the presence of another district professional employee also of the same sex as the student. The district shall attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 7316, Student Use of Personal Technology. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cellphone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

D. Documentation of Searches

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

1. Name, age and grade of student searched.

SUBJECT: STUDENT SEARCHES AND INTERROGATIONS (cont'd)

2. Reasons for the search.
3. Purpose of search (that is, what item(s) were being sought).
4. Person conducting search and his or her title and position.
5. Witnesses, if any, to the search.
6. Time and location of search
7. Results of search (that is, what items(s) were found).
8. Disposition of items found.
9. Parental notification.

The 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 item 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.

E. 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.

Before police officials are permitted to question or search any student, the 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, unless the student is 16 years of age or older. 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.

SUBJECT: STUDENT SEARCHES AND INTERROGATIONS (cont'd)

2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

F. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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

Ref: Social Services Law §425
18 NYCRR §432.3
Safford Unified School District #1 et al. v. Redding, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008))
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)

M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)

Opinion of Counsel, 1 EDR 800 (1959)

Note: Refer also to District Policy # 3290 *Operation of Motor Vehicles on District Property*

Adoption Date: 5/21/13

Amended 11/19/13

Amended: 5/17/16

Amended: 8-15-17

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

The Superintendent of Schools is instructed to develop regulations concerning traffic and parking controls on roads, driveways and parking lots accessory to each school and playground in the district. Such regulations shall take into account the need to ensure the safety of all students, school personnel and anyone else on school property or on roads, driveways and parking lots adjacent to such school property.

Traffic signs shall be posted to aid in implementing these rules and regulations.

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board authorizes the Superintendent, his/her designee, or the local Police Department, to remove and store any vehicle or trailer:

1. Parked in a parking area, driveway, or road during snowstorms, flood, fires or other public emergencies;
2. Found unattended in a fire lane;
3. Found unattended in a parking area, driveway or road where it constitutes an obstruction to traffic; or
4. Found abandoned in a parking area, driveway or road.

The Board authorizes the local Police Department to issue tickets for violation of district traffic rules as appropriate under Vehicle and Traffic Law.

All student vehicles are to be registered with the High School Principal and parked in authorized areas only.

As stated in Policy 7303, the Board authorizes the Superintendent of Schools, Building Principals, and the school nurse to conduct searches of students and their belongings (which, for purposes of this policy, includes vehicles they have parked at school or school events, and items they possess on school property), in most instances, with exceptions set forth below in A. and B., 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.

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

As stated in Policy 5330.1, Drug detecting canines may be used to sniff vehicles in the school parking lot under the same guidelines pertaining to the sniffing of school lockers. However, if there is a positive alert by the drug detecting canines, no search of a vehicle shall be conducted without a search warrant.

The owner of any vehicle ticketed or removed from district property shall be responsible for payment of all charges levied by the local Police Department or private towing companies.

Education Law Section 2801(1)

Vehicle and Traffic Law Section 1670

Note: Refer also to District *Policy #7330 Student Searches and Interrogations*

Adoption Date: 5-21-13

Amended: 8-15-17

SUBJECT: CHARGING SCHOOL MEALS

The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, but also to promote responsible student behavior and minimize the fiscal burden to the district, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. allow only regular reimbursable meals to be charged, excluding extras, à la carte items, and snacks (“competitive foods”);
2. limit the number of charges to ten per student per year in the elementary grades, ten per student per year in middle school, and ten per student per year in high school. However, any student with charged meals remaining unpaid at the end of the school year may not charge meals the next school year until the previous charges are paid; and
3. use a computer-generated point of sale system, which identifies and records all meals as well as collects repayments.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”

Students who have reached the limit of “charged” meals may be offered an “alternate” meal determined by the district. The district shall take into consideration extenuating circumstances. The cost of the alternate meal, though less than the regular meal, shall be added to the student’s account. Alternate meals shall be provided as discretely as possible, before a student obtains a regular meal.

Students eligible for free meals shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

If SFAs suspect that a student may be abusing this policy, written notice will be provided to the parent that if he/she continues to abuse this policy.

The district’s payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

Parents shall be discreetly notified of student account balances regularly. When a student's account balance falls to \$10.00 and whenever a meal is charged, the district will discreetly notify the student and the parent/guardian of the balance, the process to refill the account, and the district's policy on charging school meals and alternate meals. This notification will continue regularly until the account is replenished. Parents must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

The district shall discreetly notify parents of students regularly with negative balances of the application process for free and/or reduced price meals. If a parent regularly fails to provide meal money and does not qualify for free or reduced price meals, the school social worker will be informed. In addition, the district may take other activities as appropriate, including notifying the local department of social services if neglect is suspected.

The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities.

Unpaid Meal Charges and Debt Collection

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered "delinquent" as per the district's accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. Students with unpaid meal charges at the start of the year will not be able to charge meals. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

Account Balances

Remaining funds will be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after three months shall be absorbed by the school meal account.

Staff

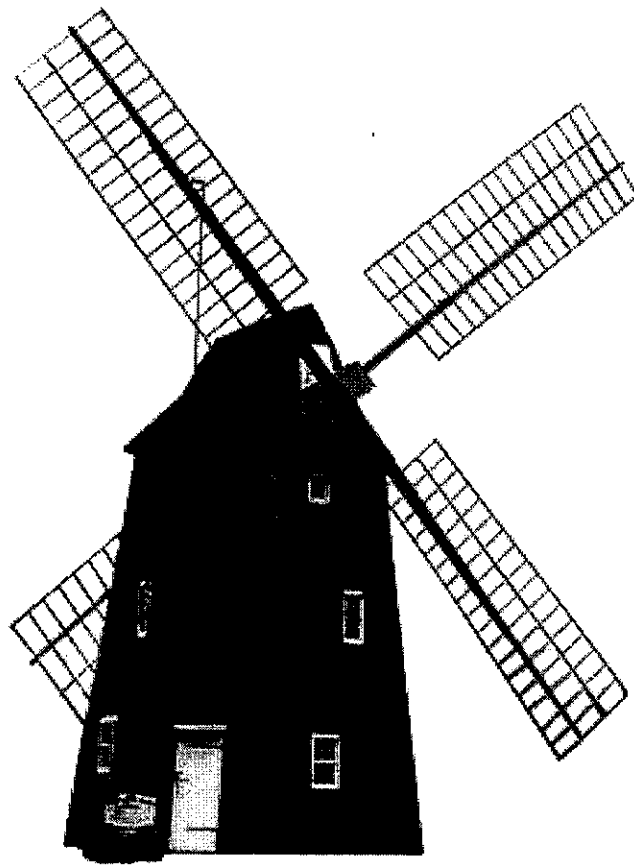
Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at the point of sale. Staff members are not allowed to charge meals to be repaid later.

Cross-ref: #5660 School Food Service Program (Lunch and Breakfast) Policy
#5659 District Wellness Policy

Ref: 42 USC §1779 (Child Nutrition Act of 1966)
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)
2 CFR §200.426 (accounting for debt in federal programs)
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143
USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016,
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<https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>
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<http://www.cn.nysed.gov/content/student-meal-charge-policy>

Adoption date: 8-15-17

EHUFSD Code of Conduct



East Hampton Union Free School District
4 Long Lane
East Hampton, NY 11937

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5300.05 INTRODUCTION

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, 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.

5300.10 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.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"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.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"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. Possess, 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 cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, 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 policies, regulations and 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, supportive 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 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 manage anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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.

5300.20 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 and collaborate with the district to optimize their child's educational opportunities.
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. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive 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.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' 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. Maintain confidentiality in conformity with federal and state law.
6. 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.
7. Communicate regularly with students, parents and other teachers concerning growth

- and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
 9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
 10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. Guidance Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

E. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

F. The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. Superintendent

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

teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
3. 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.
4. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

5300.25 STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and 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. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, 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.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who 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.

5300.30 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may 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 specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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, but are not limited to:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in 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.
 - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - 2. Lateness for, missing or leaving school without permission.
 - 3. Skipping detention.

- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Inappropriate public sexual contact.
 3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
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.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
 8. Selling, using, distributing or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Gambling.
 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.
- 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, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

5300.35 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 shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

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, which may include permanent suspension and referral for prosecution.

The Principal or his/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/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.

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS¹

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 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, unless the discipline is consistent with the student's individualized education plan (IEP).

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 – Director of Transportation, Principal, Superintendent
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
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
12. Long-term (more than five days) suspension from school – Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the 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 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 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 suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

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

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 into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the

academic process, the teacher must provide the student with an explanation for why he 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, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. 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/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. 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/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 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 (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §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 establish.

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

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

b. Long term (more than five 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. 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, which 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 **thirty (30)** 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 of Education 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.

d. **Procedure After Suspension**

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding 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 in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing a weapon on school property

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 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 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 to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

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

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in 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

- b. Article 65 of the Education Law.
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 § 1.20 (42).

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.

5300.45 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. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance

that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

5. *Interim alternative educational setting* (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the

Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled

substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the

CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive

services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the

student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT²

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.

5300.60 STUDENT SEARCHES AND INTERROGATIONS

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

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., 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.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

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.

A. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent shall make a determination in consultation with the school attorney.

B. Documentation of Searches

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

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

The 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 item 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.

C. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the 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, unless the student is 16 years of age or older. 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.

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child (ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room

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

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his 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 enter through the designated single point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 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. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

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 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 actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers 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.
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.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

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 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 3 and 4. 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 Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as

appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

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 of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Amended Adoption date: 8-15-17

¹Ref: Education Law §3214
8 NYCRR §100.2(l)
Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

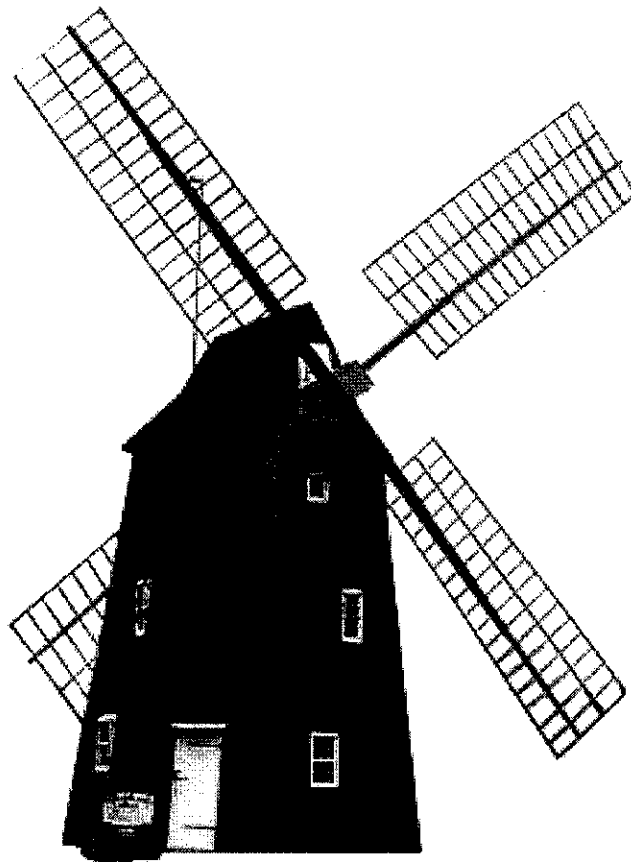
²Ref: 8 NYCRR §100.2(l)(3)
Rules of the Board of Regents §19.5

³Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008))
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

⁴Ref: Education Law §§1708; 2801

EHUFSD Code of Conduct



East Hampton Union Free School District
4 Long Lane
East Hampton, NY 11937

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5300.05 INTRODUCTION

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, 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.

5300.10 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.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression.

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"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.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

"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. Possess, 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 cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

5300.15 STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, 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 policies, regulations and 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, supportive 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 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 manage anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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.

5300.20 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 and collaborate with the district to optimize their child's educational opportunities.
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. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive 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.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' 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. Maintain confidentiality in conformity with federal and state law.
6. 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.
7. Communicate regularly with students, parents and other teachers concerning growth

and achievement.

8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. Guidance Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

E. Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

F. The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

G. Superintendent

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

teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
3. 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.
4. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

5300.25 STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and 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. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, 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.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who 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.

5300.30 PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may 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 specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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, but are not limited to:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in 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.
 - 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
 - 1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 - 2. Lateness for, missing or leaving school without permission.
 - 3. Skipping detention.

- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Inappropriate public sexual contact.
 3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
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.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such conduct include, but are not limited to:
1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
 2. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
 5. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy, 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
 8. Selling, using, distributing or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe, electronic cigarette, or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
 12. Inappropriately using or sharing prescription and over-the-counter drugs.
 13. Gambling.
 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.
- 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, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misconduct includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

5300.35 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 shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

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, which may include permanent suspension and referral for prosecution.

The Principal or his/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/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.

5300.40 DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS¹

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 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, unless the discipline is consistent with the student's individualized education plan (IEP).

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 – Director of Transportation, Principal, Superintendent
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
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
12. Long-term (more than five days) suspension from school – Superintendent, Board
13. Permanent suspension from school – Superintendent, Board.

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 Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the 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 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 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 suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

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

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 into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the

academic process, the teacher must provide the student with an explanation for why he 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, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. 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/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. 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/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 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 (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §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 establish.

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

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

b. Long term (more than five 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. 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, which 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 **thirty (30)** 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 of Education 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.

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

C. Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding 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 in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing a weapon on school property

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 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 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 to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

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

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in 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

- b. Article 65 of the Education Law.
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 § 1.20 (42).

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.

5300.45 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. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance

that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the

Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled

substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the

CSE will review the plan and its implementation, and modify it as necessary to address the behavior.

2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive

services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the

student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

5300.55 CORPORAL PUNISHMENT²

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.

5300.60 STUDENT SEARCHES AND INTERROGATIONS

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

The Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., 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.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

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.

A. Strip searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent shall make a determination in consultation with the school attorney.

B. Documentation of Searches

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

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

The 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 item 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.

C. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are permitted to question or search any student, the 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, unless the student is 16 years of age or older. 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.

D. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child (ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room

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

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his 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 enter through the designated single point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 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. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

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 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 actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers 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.
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.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

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 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 3 and 4. 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 Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the 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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as

appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

5300.75 DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

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

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 of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

¹Ref: Education Law §3214
 8 NYCRR §100.2(l)
Matter of O'Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)
Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Port, 9 EDR 107 (1970) (informal due process)

²Ref: 8 NYCRR §100.2(l)(3)
 Rules of the Board of Regents §19.5

³Cross-ref: 5695, Students and Personal Electronic Devices

Ref: *Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)
Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Phaneuf v. Fraikin 448 F.3rd 591 (2006)
New Jersey v. TLO, 469 U.S. 325 (1985)
In re Gregory, 82 N.Y.2d 588 (1993)
People v. Scott D., 34 N.Y.2d 483 (1974)
People v. Singletary, 37 N.Y.2d 310 (1975))
People v. Overton, 20 N.Y.2d 360 (1969)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
Opinion of Counsel, 1 EDR 800 (1959)

⁴Ref: Education Law §§1708; 2801

Amended: 8-15-17