

**NORTH SALEM SCHOOL DISTRICT
NORTH SALEM, NEW YORK**

CODE OF CONDUCT

Re-Adopted by the
Board of Education
July 2, 2008

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THE NORTH SALEM VISION STATEMENT

The North Salem Central School District will be a model public school district, identified by its focus on the development of students of all abilities. Most of all, it will produce motivated and competent learners, capable of solving the intellectual, emotional, and ethical problems they encounter and of reaching their personal goals.

All stakeholders-students, parents, faculty, staff, administration, Board of Education, community will share responsibility for student development. In their respective roles, they will exceed expectations through a process of continually setting challenging goals and plans, executing them with promptness and innovation, measuring and evaluating the results, recognizing performance, and improving.

I. INTRODUCTION

The Board of Education ("Board") is committed to providing a safe and orderly school environment where students' needs are met and 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 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 and at school-related functions, identify the possible consequences of unacceptable conduct, and to ensure that discipline, is administered properly fairly and in a timely manner. To this end, the Board adopts this Code of Conduct ("Code").

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

II. DEFINITIONS

"Parent" means the biological, adoptive or foster parent, legal guardian or person in a parental relation to a student.

"School property" means on 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 Section 142.

"School function," means any school-sponsored curricular or extra-curricular event on or off school property.

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

The North Salem School Board supports the rights of students where these rights do not interfere with those of others, the general social order, or laws, rules and regulations. Such rights shall include:

- A free, appropriate education in a safe, healthy, orderly, and civil school environment.
- Involvement in school government and curriculum planning as appropriate to the age of the student.
- Free speech or expression where such speech or expression is not slanderous, profane, does not incite others to damage property or physically and emotionally harm others, or does not interfere with normal operation of the school.
- Access to school rules and, when necessary, receive an explanation of those rules from school personnel.
- Distribution of literature subject to school approval with respect to time, manner, place, duration and content which does not interfere with the requirements of appropriate discipline in the operation of the school.
- Attainment of speakers and programs with administrative approval.
- Symbolic expression that does not intrude upon the orderly process of the school or the rights and sensitivities of others.
- Voluntary participation in patriotic ceremonies.
- Publication of a school newspaper.
- Participation in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation or disability.
- Individual personal appearance except where dress or appearance interferes with the learning process or where health, safety, or full participation factors are at issue. (For additional information see dress code section V pg. 5)
- Appropriate personal counseling.
- Confidentiality of communication where the content does not breach the school's responsibility to the parent or guardian.
- Access to student records if over the age of 18 and as allowed by law.
- Due process in matters of suspension and/or permanent suspension. (See Section VIII)
- Conducting themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and holding themselves to the highest standards of conduct and sportsmanship.

B. STUDENT RESPONSIBILITIES

In order to create a model school district, we expect our students to:

- Be courteous.
- Show respect to their teachers, school personnel, other students, the school and its property.
- React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- Dress appropriately (see dress code section V pg. 5)
- Play an influential role in the development of their school environment, and take responsibility for their actions. (Ref. District Vision)

- Establish, with faculty guidance, personal goals and plans, based on knowledge of their own strengths and weaknesses, needs and desires. (Ref. District Vision)
- Develop consideration and mutual understanding for such differences as social, economic and cultural backgrounds, sexual orientation and disabilities.
- Be prompt and punctual in attendance and in meeting their obligations.
- Develop awareness and accept responsibility for their actions.
- Contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and property.
- Attend school every day unless they are legally excused, be in class, on time, and with required materials. (Refer to District Attendance Policy.)
- Behave in all common areas in an appropriate manner.

IV. ESSENTIAL PARTNERS

A. **Teachers**, in order to create a model school district are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-image and promote confidence to learn.
- Be prepared to teach and possess a high level of knowledge in their field of expertise.
- Demonstrate interest in teaching and concern for student achievement and personal well-being.
- Know school policies and rules, and enforce them in a fair and consistent manner with no regard to gender, race, age, religion, color, national origin, sexual orientation, or disability.
- Communicate to students and parents:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plans
- Communicate regularly with students, parents, teachers and other school personnel concerning growth and achievement.
- Provide extra help.
- Model goal setting, planning, and continuous learning.

B. **Staff**, in order to create a model school district, are expected to:

- Maintain a climate of mutual respect and dignity which will strengthen students' self image and promote confidence to learn.
- Support instruction and demonstrate a high level of confidence in students' learning.
- Demonstrate interest and concern for student achievement and personal well-being.
- Know school policies and rules, and enforce them in a fair and consistent manner with no regard to gender, race, age, religion, color, national origin, sexual orientation or disability.
- Communicate regularly with the teachers and administrators concerning student issues.
- Promote a safe and orderly environment.
- Participate as an equal member of the learning community.
- Know the district vision and how it impacts your job responsibilities.
- Model goal setting, planning and continuous learning.

IV. Essential Partners (Continued)

C. **Parents**, in order to create a model school district are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the entire school community. (Parents, students and school personnel).
- Stay informed of their children's goals, plans and progress, and participate in school-related activities as needed and requested by other stakeholders.
- Keep the school district informed of current address, phone number, cell number and e-mail as well as emergency contacts.
- Attend all scheduled parent meetings.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code (see Dress Code Section V p. 5)
- Help their children understand that school rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand and adhere to them.
- Convey to their children a supportive attitude toward education and the district.
- Build good relationships with teachers.
- Develop knowledge of their children's friends and parents.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study, and ensure homework assignments are completed.
- Read and discuss all district policies including but not limited to the Code of Conduct, Attendance Policy, Athletic and Co-curricular Policy and Internet Policy.

D. **Pupil Personnel**, (Guidance, Social Worker, Psychologist) in order to create a model school district, are expected to:

- Assist students in coping with peer pressure and personal, social and emotional problems.
- Facilitate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as needed.
- Review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Model goal setting, planning and continuous learning.

E. **Principals**, in order to create a model school district are expected to:

- Promote a safe, orderly and stimulating school environment.
- Support active teaching and learning.
- Ensure that students, staff, and parents/guardians have the opportunity to communicate regularly.
- Evaluate all instructional programs on a regular basis.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly, fairly, equitably.
- Model goal setting, planning and continuous learning.

F. **Superintendent**, in order to create a model school district is expected to:

- Promote a safe, orderly and stimulating school environment.
- Support active teaching and learning.
- Review federal, state, local and board of education policies relating to school operations with district administrators.
- Inform the Board of Education of educational trends relating to student discipline.
- Work to create programs that minimize misconduct and are sensitive to student and teacher needs.
- Work with district administrators to enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.
- Model goal setting, planning and continuous learning.

G. **Board of Education**, in order to create a model school district is expected to:

- Collaborate with a committee of students, teachers, administrators, parents, student resource officer and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors at school functions on or off school property.
- Ensure that district-wide policies are appropriate and in alignment with State, Federal and local safety regulations.
- Review this Code of Conduct annually to evaluate the policy. Amendments may be adopted after a public hearing.
- Model goal setting, planning and continuous learning.

V. **STUDENT DRESS CODE**

All students are expected to dress and groom themselves neatly in clothing suitable for school activities, and in a manner that will not endanger health and safety, or be offensive or disruptive to others. Teachers and all other district personnel should exemplify and reinforce acceptable student dress, and help students develop an understanding of appropriate appearance in school.

A student's dress, grooming and appearance shall:

1. Be safe, appropriate, and not disrupt or interfere with the rights of others or the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Suitable footwear must be worn at all times.
5. Not include the wearing of hats, do-rag headscarves or handkerchiefs, sunglasses, visors in the school building except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or that denigrate others due to race, color, religion, national origin, sex, sexual orientation or disability.
7. Not promote, endorse or encourage the use of alcohol, tobacco, controlled substances, illegal drugs or other illegal or violent activities.

Each building Principal or 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 that appearance by covering or removing the offending item, and if necessary or practical replacing it with an acceptable item. Parents will be notified by mail. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

VI. PROHIBITED STUDENT CONDUCT

The Board of Education expects students to conduct themselves in an appropriate and civil manner showing pride for themselves and respect for others.

Students are expected to show proper regard for the rights and welfare of other students, district personnel, teachers, and other members of the school community.

Students are to show respect and care for facilities and equipment.

Students may be subjected to disciplinary action, including detention, suspension and expulsion from school when they:

- A. Engage in conduct that is disorderly, including, but not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Dangerous horseplay.
 4. Using language or gestures that are profane, lewd, vulgar, abusive or threatening.
 5. Obstructing vehicular or pedestrian traffic.
 6. Engaging in any willful act that disrupts the normal operation of the school community.
 7. Trespassing. Students are not permitted in any school building or on school grounds unless involved in a school-sanctioned activity. Students are not permitted in any school building during a period of suspension from school.
 8. Communication/electronic devices including but not limited to: phones, beepers, may not be used in any academic setting.

- B. Engage in conduct that is insubordinate, including, but not limited to:
 1. Failing to comply with the legitimate and reasonable directions of teachers, substitute teachers, school administrators or other school employees, or otherwise demonstrating disrespect to school personnel.
 2. Chronic lateness for class, missing or leaving class, homeroom, detention, school grounds or school sponsored functions without permission.

- C. Engage in conduct that is disruptive, including, but not limited to:
 1. Failing to comply with the legitimate and reasonable directions of teachers, substitute teachers, school administrators or other school employees, or otherwise demonstrating disrespect to school personnel.
 2. Being insubordinate or disorderly in a class, hallway, cafeteria, assembly, after-school event or other school function.

3. Intimidation or harassment by,
 - threatening to assault or injure another person;
 - threatening to damage, destroy or remove any public or private property without authorization;
 - abusing any person through the use of profanity, personal insults, slurs based on race, religion, national origin, sex, sexual orientation or disability.
 - any other intimidating or harassing remarks that create a reasonable possibility of a fight or substantial disruption or interference with the education, discipline or normal activities of the school.
 4. False alarms, false reports or bomb threats.
- D. Engage in conduct that is violent or destructive, including but not limited to:
1. Committing an act of violence (such as hitting, kicking, fighting, punching, cutting or scratching) upon any person on school property or at a school function.
 2. Possessing, displaying, using or threatening to use a weapon or any object in a menacing manner.
 3. Knowingly and intentionally damaging, destroying or altering School District property.
 4. Damaging, altering or destroying personal property of any person on school property or at a school function, including but not limited to graffiti, vandalism or arson.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others, including but not limited to:
1. Stealing, destroying, altering or removing school district property or the personal property of any person on school property or at a school function.
 2. Acts of sexual harassment, including unwanted and inappropriate verbal, electronic, written, or physical conduct of a sexual nature directed toward others. Further definitions of sexual harassment are available in the District's sexual harassment policy.
 3. Smoking or using tobacco products.
 4. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drugs, controlled substances, or related paraphernalia, or being under the influence of alcohol, or exhibiting the signs of being under the influence of drugs or controlled substances.
 5. Using, sharing or carrying prescription medication or over-the-counter drugs. (As per educational law section 139 which states that all prescription and over the counter medication, must be held by the school nurse and not by a student.)
 6. Gambling.
 7. Hazing, including but not limited to physical contact, incitement to other misconduct, or humiliation.
 8. Lying to school personnel.
 9. Selling, using or possessing obscene material.
 10. Possessing or creating material or writings depicting alcohol, drugs, drug paraphernalia or profanity.
 11. Extortion.
 12. Receiving stolen property
- F. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately and safely while riding, waiting for, boarding and leaving school buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Behaviors that are illegal, distracting, insubordinate, disruptive or violent that endanger the safety, morals, health or welfare of others and described in the Code of Conduct section VI sections a – e will not be tolerated. Excessive noise, pushing, shoving and fighting as well as throwing objects will not be tolerated. Similarly, physically harming or threatening other students or the driver, damaging bus property, refusing to obey the driver, carrying a weapon on a bus or any item used in a menacing or threatening manner, or causing persistent disruption will be violations of this Code.

G. Driving Privileges on campus and school sanctioned activities:

1. Parking and driving privileges are restricted to members of the senior class. Other requests from underclassmen with unique situations will be considered on their individual merits.
2. A special parking decal will be issued and must be displayed on the approved vehicle. Cars without proper identification may cause the driver to lose parking privileges.
3. Vehicles approved for parking will carry only the driver. Indiscriminate carrying of passengers will not be permitted and actively discouraged.
4. Each vehicle will be parked in the assigned student area and space.
5. Driving from the school grounds during school hours is not permitted without parental and administrative approval.
6. Speeding or careless driving on school grounds and on roadways adjacent to the school will result in immediate revocation of the privilege.
7. Students will leave their vehicle immediately upon arrival at school.
8. Sitting in vehicles during the school day is not permitted. This is cause for loss of privilege.
9. The student parking area is off limits during the school day unless permission is obtained from an administrator or his/her designee.
10. Arriving to school late 3 times will cause a student to lose their driving privilege.
11. Permittee is not allowed to give this space to another student.
12. Parking privileges can be rescinded due to inappropriate behavior or poor academic performance.
13. To maintain a valid student parking sticker, each student will be required to attend safety lessons taught by the School Resource Officer. These classes must be taken prior to the end of November.

14. With probable cause, cars parked on school district property are subject to search.

VIOLATIONS OF ANY OF THE ABOVE REGULATIONS WILL RESULT IN IMMEDIATE, PERMANENT REVOCATION OF THE PARKING PRIVILEGE.

H. Engage in academic misconduct, including but not limited to:

1. Plagiarism.
2. Cheating, including but not limited to representing someone else's work as one's own; using unauthorized oral or written assistance for a quiz, test or other assignment; illegally obtaining tests in advance, substituting for a test-taker; knowingly providing another student with the opportunity to cheat; and other forms of unauthorized collusion.
3. Misuse of computer access, facilities or equipment, including but not limited to electronic transfer of information are in violation of the School District's Policy. (See page 31 appendix B "Rules and Code of Ethics Agreement for Students Network and Internet users North Salem Central School District.")

VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

The Principal or equivalent person in charge of each school or school program shall have primary responsibility for determining whether a violation of this Code of Conduct has occurred. Each such person may delegate all or part of this responsibility to a designee, such as Assistant Principal, SRO (School Resource Officer) or district employee to the extent allowable by law. Teachers and other staff members who are aware of a violation must immediately report the incident to the person in charge of each school or his/her designee for further investigation.

Any student observing a student in possession of a weapon, alcohol or other illegal substance on school property or at a school function shall report this information immediately to a teacher, administrator, School Resource Officer or other school employee. Any weapons, alcohol or other illegal substances found will be confiscated immediately, followed by notification of the parent of the student involved. Appropriate disciplinary action will be taken.

The building Principal will notify the appropriate local law enforcement agency of those Code violations that may constitute a crime or security of the school.

VIII. DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel are expected to use disciplinary action when necessary, emphasizing the student's ability to grow in self-discipline. Disciplinary action will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the student's age and maturity; the nature of the offense and the surrounding circumstances, the student's prior disciplinary record; the effectiveness of other forms of discipline; information from parents, teachers and/or others, extenuating circumstances; and the degree of danger created for other members of the school

community by the particular infraction. Discipline will be given in direct correlation to the severity of the Code infraction.

A. Penalties

Students who are found to have violated this Code of Conduct may be subject to one or more of the following penalties. Consistent with the student's due process rights, the identified school personnel are authorized to impose any penalty in direct correlation to the severity of the Code infraction, therefore not necessarily progressive.

- Verbal – Any member of the District staff.
- Temporary removal from classroom – teachers, assistant principals, building principal, and Superintendent.
- Written warning – Teachers, building administrators, Superintendent.
- Written notification to parent – Teacher, Building Administrator, Principal, Superintendent.
- Detention – Teacher, Assistant Principals, Building Principals, Superintendent.
- Suspension from transportation, athletic participation, social or extracurricular activities or other privileges, i.e., senior privileges - Assistant Principals, Building Principals, Superintendent, Athletic Coach, Director of Athletics and club advisors.
- In-school suspension - Assistant Principals, building Principals, Superintendent.
- Short-term (five days or less) suspension from school - Building Principal, Superintendent.
- Long-term (more than five days) suspension from school – Superintendent, Board of Education.
- Permanent suspension from school – Superintendent, Board of Education.

B. Procedures

The amount of due process a student is entitled to will depend on the type of penalty being imposed. In all cases, the school personnel authorized to impose the penalty must inform the student what misconduct the student is alleged to have committed, must investigate the facts surrounding the alleged misconduct, and must give the student an opportunity to present his/her version of the facts. Students may be given penalties other than a verbal or written warning, written parental notification, or detention and may be disciplined as explained below.

1. Detention

- Administrative Detention
After-school detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention.
- Teacher Detention
In the middle school/high school, teachers may give a student a detention with twenty-four hour notice. Parents are not necessarily notified.

2. Suspension from transportation.

If a student acts in violation of this Code on or while waiting for, boarding, or leaving a bus, the bus driver is expected to bring such misconduct to the attention of the building principal. After investigating the facts of the alleged misconduct, the building principal or his/her designee may, following a reasonable opportunity for the student and his/her parent to confer with the administrator about the misconduct and the penalty, suspend the student's riding privileges. In such cases, the student's parent will become responsible for seeing that the child gets to and from school safely.

3. Loss of privilege to participate in extra- or co-curricular activities and other privileges (cross reference North Salem Middle/High School Interscholastic Athletic and Co-curricular Policy Book). This section is intended to support and not preclude any part of the North Salem Extra and Co-curricular policy.

North Salem Middle School and High School students are privileged to have the opportunity for participation in a diverse number of extra co-curricular activities. Students are encouraged to be actively involved in many facets of their school.

To guide students toward positive participation and to assist them in achieving academic success, the North Salem Middle/High School Interscholastic Athletic and Co-curricular Activity Policy has been adopted. Students participating in co-curricular activities and/or athletics must agree to adhere by the Code of Behavior and Eligibility requirements outlined in this document.

- **Goals and Objectives**

It is the goal of the North Salem Central School District that these regulations and guidelines will encourage students to adopt lifestyles of good citizenship and good health beyond the school year and time in middle school and high school. In addition, these guidelines seek to promote alcohol, drug and tobacco free lives among students. These specific regulations will be in effect whenever a student begins participation in a school sponsored activity and will stay in effect throughout the duration of the sport or activity.

Participation on an athletic team and/or co-curricular activity or Club is a privilege and not a right of a North Salem Student.

- **Attendance**

Students must be in attendance and in class for seven periods a day to participate in any after school activities. Students should seek clarification from an administrator in advance for questions regarding valid attendance.

Students absent from school due to illness may not participate in after-school activities in accordance with the North Salem Central School District Attendance Policy.

- **Behavior**

Students participating in co-curricular activities and/or athletics are subject to all disciplinary procedures and consequences as outlined in the North Salem Middle/High School Student Conduct and Disciplinary Policy. It is important to note that disciplinary consequences such as detention and suspension will not be scheduled or rearranged to accommodate co-curricular and/or athletic activities. Students serving in-school or out-of-school suspension will not be permitted to attend or participate in any co-curricular or athletic activity on the day(s) of the suspension.

In addition to consequences outlined in the Student Conduct and Disciplinary Policy, students participating in co-curricular activities and/or athletics are subject to the following regulations:

Use of drugs and/or alcohol:

Any student found using, in possession of, or under the influence of alcohol, drugs or other illegal substances in or out of school will lose the privilege of participating in athletic and/or co-curricular activities for the duration of the season, (defined as fall, winter, spring.)

A second offense will result in ineligibility for all athletics and all co-curricular activities for the remainder of the school year.

Use of tobacco:

Any student found using tobacco, chewing tobacco or snuff in or out of school will lose their privilege to participate in athletics and/or co-curricular activities for a period of two weeks.

A second offense will result in ineligibility for athletic and co-curricular activities for the remainder of the season, (defined as fall, winter, and spring.)

Misconduct in the school or community:

Participation in co-curricular activities and/or athletics reflect involvement of students in the school and the community as representatives of the North Salem Central School District, both in the school building and on and off the school campus. Therefore, misconduct within the community or in school is inappropriate and unacceptable. (As defined in Section VI in the North Salem Central School District Code of Conduct.)

Such behavior will place the privilege of participating in athletics or co-curricular activities in jeopardy for the remainder of the season, (defined as fall, winter and spring.)

Removal from athletics and/or co-curricular activities:

Students who are removed from co-curricular activities and/or athletics will not receive credit for participation prior to their dismissal.

4. In-School Suspension

Building Principals and Assistant Principals are authorized to place students who act in violation of this Code and might therefore otherwise be suspended from school in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building.

A student subjected to in-school suspension is not entitled to a full hearing pursuant to Education Law Section §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the administrator imposing the penalty; however the suspension or disciplinary action may occur before this informal conference.

5. Teacher Removal of Disruptive Students

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

If a middle school/high school teacher determines that a student is disruptive, he/she may immediately remove the student from the class and, at the teacher's discretion, up to and including the next full session of the class.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class. (This informal discussion may occur during a mutually agreeable time outside of class.)

If the student does pose 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 one full school day.

The teacher must complete a district-established referral form and meet with the Principal or 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 referral forms. If the Principal or designee is not available by the end of the same school day, the teacher must leave the completed referral form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within one school day 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 within two days to discuss the reasons for the removal and behavior modification(s) to remedy the cause 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 by the day after the student's removal at the last known address of 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.

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 two school days of the student's removal. The timing of the informal

meeting may be extended by mutual agreement of the parent, teacher and Principal or principal's designee.

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

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

The Principal or his or her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal or his/her designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

Any disruptive student removed from the classroom by the classroom teacher shall be provided with work and make-up time by the teacher as appropriate.

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 may, under certain circumstance, 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.

Nothing in this section of the Code of Conduct abridges the customary right or responsibility of a Principal to suspend a student. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office, or sending students briefly into the hallway are not considered removals from class.

6. Suspension from school

The Board places primary responsibility for the suspension of students with the Superintendent and the building Principals. Suspension from school is a significant penalty. All staff members are expected to notify the Principal in writing, as soon as possible. Upon receiving such a report, the Principal shall gather the relevant facts.

- a) Short Term (five days or less) Suspension from school

When the Principal proposes to suspend a student charged with misconduct for five days or less, he/she must immediately notify the student orally and must provide a description of the misconduct and provide an explanation of the basis for the proposed suspension. The Principal must also notify the student's parents in writing that the student may be suspended from school.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting the parents.

The notice shall provide a description of the conduct with which the student is charged and the incident(s) for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Principal, at which the parents shall be permitted to ask questions of complaining witness or present relevant, additional information. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents.

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, in which case the student may be removed before the informal conference takes place. After the conference, the principal shall promptly advise the parents in writing of his/her decision.

b) Long Term (more than five days) Suspension from School

All procedural items listed above regarding short- term suspensions are applicable prior to a superintendent's hearing.

When the Superintendent or Building Principal determines that a suspension for more than five days may be warranted, the Superintendent or his/her designee shall give reasonable notice in writing to the student and his/her parents of their right to a formal disciplinary hearing. The notice shall set forth the specific charges against the student, the date, time and place of the hearing, the student's right to be represented by counsel, the right to question witnesses against the student, and the right to present witnesses and other evidence on his/her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his/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/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 School District may be represented at a Superintendent's hearing by its attorneys, who will present the School District's case against the student. The proceedings will be similar to those of a court of law. Parents and students may contact School District personnel for information concerning what to expect at a Superintendent's hearing.

The hearing officer shall make an advisory report to the Superintendent containing findings of fact and recommendations as to the appropriate measure of discipline. A student's prior disciplinary history ("anecdotal record") will not be considered as evidence of guilt, but may be considered with respect to the penalty to be imposed after a determination of guilt has been made. A student or parent may review the student's anecdotal record in advance of a disciplinary hearing by making a request to the building principal. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. The student and his/her parents shall be promptly notified in writing of the Superintendent's decision

as to innocence and guilt and as to punishment. The written decision shall also contain notification of the student's right to appeal the decision to the Board of Education, which will make its decision based solely upon the hearing record. New evidence will not be considered by the Board. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision. 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 (Expulsion):

Permanent suspension is reserved for severe misconduct by students over compulsory education age.

C. Minimum Periods of Suspension:

The periods of suspension described below are minimum penalties for specific misconduct. As appropriate, longer periods of suspension may be imposed for such misconduct, or for any other violations enumerated in Part VI ("Prohibited Student Conduct") above for students other than with disabilities. Students with disabilities are discussed in Section X below.

1. Students who bring a weapon to school:

Any student other than a student with a disability who, following a hearing pursuant to Education Law Section 3214, is found guilty of bringing a weapon (defined as any object that appears to be a weapon or any object that could be used in a menacing manner) onto school property or to a sanctioned school function will be subject to suspension from school for at least one calendar year, subject to modification by the Superintendent on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the student's age, grade in school and prior disciplinary record; whether other forms of discipline may be more effective; input from parents, teachers and others; and extenuating or aggravating circumstances.

The Superintendent is required to refer the following students to the Westchester County District Attorney for a juvenile delinquency proceeding before the Family Court: any student under the age of 16 who is found to have brought a deadly weapon as defined by New York State penal law to school, and any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is also required to refer to the appropriate law enforcement authorities, students 16 years old or older, or any student 14 or 15 years old who qualifies for juvenile offender status and who possesses a firearm on school grounds.

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

A 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 or to a school function shall be subject to suspension from school for at least five days with the potential for a superintendent's hearing.

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.

IX. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take prompt steps to provide alternative means of instruction for the student. In addition, at the Superintendent's discretion, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. Students with disabilities are expected to adhere to all district policies including but not limited to Code of Conduct, athletic, Internet and attendance policies.

A. Authorized Suspensions or Removals of Students with Disabilities

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

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

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

An "IAES" means a temporary educational placement **determined by the Committee on Special Education** for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to receive **educational** services and modifications, so **as to** enable the student to **continue to participate in the general education curriculum although in another setting, and to progress towards** meeting the goals set out in **the student's IEP**, and include services and modifications, **such as a functional behavioral assessment and behavioral intervention services if appropriate**, to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

a) The Board, the Superintendent of Schools or a Building Principal delegated the authority to suspend students may order the placement of student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

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

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

d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to **or at** school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, **on school premises**, or **at** a school function **or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.**

(i) "Weapon" means the same as "dangerous weapon" which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or bodily injury.

(ii) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

(iii) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

(iv) Serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

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

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement unless the **Manifestation Team** has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The District's Committee on Special Education shall:

- a) Conduct a functional behavioral assessment to determine why a student engaged in a particular behavior, and develop or review a behavioral intervention plan whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drug controlled substances.

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

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

- b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational

setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

- c) **The Manifestation Determination will be conducted by the Manifestation Team in a meeting, which will include relevant members of the CSE, the parent and a representative of the school district knowledgeable about the student and the interpretation of information about child behavior.**

The parent will receive written notification prior to the Manifestation Review to ensure the parent has an opportunity to attend.

- d) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
- (i) previously conducted an individual evaluation and determined that the student is not a student with a disability, or
 - (ii) **the parent of the student has not allowed an evaluation of the student**
 - (iii) **the parent has refused services**
- e) If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be **completed no later than 15 school days of receipt of parent consent for evaluation and shall be conducted** in the manner prescribed by applicable federal and state law and regulations. **The CSE shall make a determination of eligibility of such student in a meeting held no later than five school days after completion of the expedited evaluation.** Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

A procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent's hearings on disciplinary charges against students with disabilities subject to a suspension of more than five consecutive school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education. Upon the suspension of a classified student that will result in a Superintendent's hearing, the CSE will be notified to expedite a meeting.

6. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education.

D. Expedited Due Process Hearings:

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education if:

a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school administrators maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

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

(i) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

(ii) If the school administrators propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES **by an Impartial Hearing Officer (IHO)**.

2. **Upon receipt of or filing of a due process complaint notice for an expedited hearing, the board of education shall arrange for an impartial hearing and the appointment of a hearing officer using the list in accordance with the rotational selection process established in section 200.2 (e)(1) and the administrative procedures established by the board of education pursuant to section 200.2 (b)(9).**

4. A resolution meeting shall occur within 7 days of receiving notice of the due process complaint unless the parent and the school district agree in writing to waive the resolution meeting or agree to use mediation. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.

5. The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed. The impartial hearing officer shall make a determination within 10 school days after the hearing.

6. When an expedited due process hearing has been requested because of a disciplinary change in placement, the manifestation determination or because the school district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student shall 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 parent and the school district agree otherwise.

E. Referral to Law Enforcement and Judicial Authorities

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

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

DISCIPLINARY PROCEDURES - NOTICE TO PARENTS OF STUDENTS WITH DISABILITIES

The procedures for the discipline of students with disabilities must be in accordance with Section 3214 of the Education Law and Part 201 of the Regulations of the Commissioner of Education. While the School District has the authority to suspend or remove your child for violating the school's Code of Conduct, you and your child have certain rights throughout the process.

You have the right:

1. to be notified immediately by telephone, if possible, and to receive written notice within 24 hours if the suspension is for five school days or less. The notice should describe the incident, suspension and your child's rights. You also have the right to request an informal conference with the school principal.
2. to receive written notice of your opportunity for a Superintendent's hearing, if the suspension is for more than five consecutive school days, which describes your child's rights to counsel, and to question and present witnesses.

3. for your child to receive alternative instruction during the first 10 days of any suspension or removal to the same extent as non-disabled students, if your child is of compulsory school age.
4. for your child to receive education services necessary to enable your child to **participate** in the general education curriculum and appropriately advance toward achieving his or her IEP goals if your child is suspended or removed for more than 10 school days in a school year.
5. for your child also to have services to address the behavior that resulted in the disciplinary action if your child is removed to an interim alternative educational setting.
6. to have the CSE develop or review and implement a behavioral intervention plan for your child that is based on the results of a functional behavioral assessment, if your child is suspended or removed for more than 10 school days in a school year.
7. to a meeting to determine whether your child's behavior which led to the disciplinary action is related to his or her disability (manifestation determination), **when the suspension or removal results in your child being suspended or removed for more than 10 school days** in a school year that would constitute a disciplinary change in placement.
8. for your child not to be suspended or removed for behaviors that are determined to be related to your child's disability, except for suspensions or removals 10 school days or less in a school year and for removals to interim alternative educational settings.
9. to challenge, in an expedited due process hearing before an impartial hearing officer (**IHO**), the **determination** of the relationship between your child's behavior that resulted in a disciplinary action and his or her disability (manifestation determination).
10. to challenge, in an expedited due process hearing before an impartial hearing officer, any placement decision related to discipline.

Special Circumstances (Reasons) for Removals to Interim Alternative Educational Settings (IAES)

1. **Serious Bodily Injury, Controlled Substances, Illegal Drugs, Weapons:** School authorities may remove your child to an interim alternative educational setting for up to 45 **school days** if your child: **has inflicted serious bodily injury upon another person while at school, on school premises or at a school function;** carries or possesses a weapon **to or at school, on school premises, or to a school function,** or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.
2. **Dangerousness:** An impartial hearing officer may order the removal of your child to an interim alternative educational setting in a dangerous situation (i.e., maintaining the student in the current educational placement is substantially likely to result in injury to your child or to others).
3. An interim alternative education setting is a temporary educational placement for a period of up to 45 calendar days, other than your child's current placement, which enables your

child to continue to **participate** in the general education curriculum **and be able to progress toward meeting the goals set out in your child's IEP.**

XI. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school sponsored functions that are safe and orderly. To achieve this 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.

In addition, the Board authorizes the Principal or Assistant Principal, Superintendent, or School Nurse, to conduct searches of students and their belongings if the search is appropriately limited in scope, related to the conduct being investigated, and based on a reasonable suspicion warranting a search. This will include the search of any automobile parked on school grounds.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Searches will take place with two adults present.

School officials may search student possessions and hotel rooms during a school sanctioned trip or activity.

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.

XII. CORPORAL PUNISHMENT

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

Corporal punishment does not include the use of reasonable physical force:

- To protect oneself, or another person from physical injury;
- To protect the property of the school or others;
- To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts;

XIII. VISITORS TO THE SCHOOL

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal is responsible for enforcement of such limits. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a "visitor".
- All visitors to the school must report to the school office of the Principal or visitor's desk upon arrival to the school. There they will be required to sign the visitors' register, show a photo ID and will be issued a visitor's identification pass, which must be visibly worn at all times while the visitor is in the school or on school grounds. The visitor must return to the Principal's office or visitors' desk to sign out and/or return the visitor's pass.
- Visitors attending functions that are open to the public and outside class time are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session, and parents who wish to visit the recess area or lunchroom, are required to arrange such visits in advance with the classroom teacher(s) or building principal so that class disruption is kept to a minimum.
- Teachers and visitors are expected not to take class time to discuss individual matters.
- Any unauthorized person on school property will be reported to the Principal, AP, SRO or a designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are required to abide by the rules of public conduct on school property contained in this Code of Conduct.

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY AND SCHOOL-SANCTIONED FUNCTIONS

In order to create and maintain a safe, orderly, respectful environment that is conducive to learning, the District establishes the following regulations for public conduct on school property and at school functions by persons other than students.

A. PROHIBITED CONDUCT

No person(s), on school property or at a school- sanctioned function, shall:

- Intentionally injure, harass, intimidate, or threaten to do so.
- Intentionally damage or remove public or private property.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.

- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or illegal drugs, or be under the influence of any of the foregoing.
- Smoke or use tobacco products.
- Possess, display, use or threaten to use any weapon, except in the case of law enforcement officers or except as specifically authorized by the School District.
- Loiter on or around school property.
- Gamble.
- Refuse to comply with any lawful order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Violate any state or federal law.

B. PENALTIES

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

- Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. Where appropriate, visitors may be barred from future access to school property or school functions.
- School District employees shall be subject to immediate ejection, and to further disciplinary action in accordance with applicable provisions of the Education Law, the Civil Service Law, and applicable collective bargaining agreements.

C. ENFORCEMENT

The Superintendent shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other district staff who are authorized to take action consistent with the Code.

When the Superintendent or his/her designee sees an individual engaged in prohibited conduct which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited, attempt to persuade the individual to stop, and 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 designated school official shall have the individual removed immediately from school property or the school function. If necessary, appropriate law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against a staff member, as appropriate, as set forth in the Penalties section above. In addition, the District reserves the right to pursue a civil or criminal legal action against any person violating the provisions of this Code.

XV. DISSEMINATION AND REVIEW OF CODE OF CONDUCT

The Board will work to ensure that the community is aware of this Code of Conduct by:

- Providing copies of the Code to all students at the beginning of each school year.
- Mailing a copy of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later, upon request.
- Providing all current teachers and other staff members with a copy of the Code and any amendments thereto as soon as practicable after adoption.
- Providing all new employees with a copy of the current Code when they are first hired.
- Filing a copy of the Code in each school building, where it will be available for review by students, parents and other community members, upon request.

The Board will sponsor an in-service education program for district staff members to ensure the effective implementation of the Code. The Board will review the Code annually in order to consider its effectiveness and the fairness and consistency of its implementation, and will update it as necessary following consultation with an advisory committee including representatives of student, teacher, administrator and parent organizations, school safety personnel and other school personnel and at least one public hearing.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education not later than 30 days after adoption by the Board.

APPENDIX A**SEXUAL HARASSMENT**

The Board of Education of the North Salem Central School District is committed to a collegial environment in which all individuals are treated with respect and dignity. Each individual has the right to work, study and recreate in an atmosphere that promotes equal opportunities and prohibits discriminatory practices including sexual harassment.

Sexual harassment does not only depend upon the offender's intention but also upon how the target perceives the behavior or is affected by it. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite sex or same sex, and from peers, subordinates, as well as supervisors.

Therefore, the District expects that all relationships among person including, but not limited to. Employees, students, volunteers and vendors will be free from bias, prejudice and harassment.

The Board defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature involving an employee when:

- a. Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of an individual's employment and/or participation in school district activities.
- b. Submission to or rejection of such conduct by an individual is used as the basis for evaluation in making employment; or any other decision affecting such individual;
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature involving a student when:

- a. Submission to sexually harassing behavior is a condition for the successful completion of any course of study or educational and extra-curricular activity, including the acceptance into or rejection from such a course or activity;
- b. Submission to or rejection of such conduct is used as the basis for educational or extra-curricular activity decisions affecting the students;
- c. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extra-curricular activity, or creating and intimidating, hostile or offensive environment.

Sexual harassment can be verbal, visual or physical. It can be overt, as in the suggestions that an employee, student, volunteer, vendor can secure an advantage or forestall negative treatment if a particular sexual favor is granted. It can also consist of persistent, unwelcome attempts to shift a professional educational relationship to a personal one. Sexual harassment can include unwelcome sexual flirtations, inappropriate language and lewd jokes, the display of offensive materials and unwelcome physical conduct. Such behavior is coercive, demeaning and can be considered threatening treatment.

The Board condemns any retaliatory behavior against complainants or any witnesses.

The District will not tolerate falsely accusing someone of sexual harassment. Any employee, student, volunteer or vendor who knowingly files a false claim will be subject to punitive action.

Any employee, student, volunteer or vendor who believes that he or she has been the subject of sexual harassment should report the alleged misconduct immediately. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any sexual harassment, will ensure that appropriate individuals promptly commence an investigation.

The Superintendent of Schools is directed to develop and implement procedures on reporting, investigating and remedying allegation of sexual harassment, and appointing male and female Co-Complaint Officers. Such procedures and sanctions are to be consistent with any applicable provisions contained in the district's collective bargaining agreements and tenure laws.

Adoption date: July 1, 1999

Re-adopted: July 6, 2004

Re-adopted: August 17, 2005

Re-adopted: October 18, 2006

Re-adopted: July 25, 2007

APPENDIX B**RULES AND CODE OF ETHICS AGREEMENT
FOR STUDENT NETWORK AND INTERNET USERS
NORTH SALEM CENTRAL SCHOOL DISTRICT**

The North Salem Central School District encourages all staff and students to make use of telecommunications to explore educational topics, conduct research, and contact others in the educational world. Communication over networks, however, should not be considered private and privacy is not guaranteed. Messages may sometimes be accidentally diverted to a destination other than the one intended. Network administration may require review and inspection of directories or messages, and the District reserves the right to access stored records. Courts have ruled that old messages may be subpoenaed, and network supervisors may examine communications in order to ascertain compliance with network guidelines for acceptable use.

As a technology user, I understand the importance of acceptable use and I agree to follow the Rules and Code of Ethics in all my work with computers in the North Salem Central School District.

- I. I understand and agree to abide by the following Rules and Code of Ethics regarding copyrighted material and intellectual property.
 - a. I recognize that the author or the person holding the copyright owns material received via a computer network, and I will give credit to all materials received electronically.
 - b. I recognize that copyright laws protect software. Therefore, I will not make copies of software found on school computers, either by copying them onto my own diskettes or onto other computers through electronic mail or bulletin boards; and I will not give, lend, or sell copies of software to others unless I have the written permission of the copyright owner or the original software is clearly identified as "shareware" or in the public domain. Attributions of authorship will follow the same copyright rules for material obtained via the network.
 - c. I recognize that all communication and information accessible via the Internet or the network shall be assumed to be private property of the author and must be documented as such.
- II. I understand and agree to abide by the following Rules and Code of Ethics of use:
 - a. Education and curriculum-related research is the first priority of Internet and network use in the North Salem Central School District; all other use is secondary.
 - b. Network accounts are to be used only by the authorized owner of the account for authorized purposes; using or sharing another student's login name and/or password is prohibited.

- c. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users.
- d. No use of the network and/or the Internet shall serve to disrupt the use of the network by others; hardware or software shall not be destroyed, modified, copied, damaged, or abused in any way.
- e. Malicious use of the Internet or the network to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computer system (e. g., create viruses) is prohibited.
- f. Hate mail, harassment, profanity, obscenity, discriminatory remarks, misrepresentation, libel, impersonation, and other antisocial behaviors are prohibited on the Internet and the network.
- g. Intentional use of the Internet or the network to access or process pornographic material, inappropriate text files, illegal activities, or files dangerous to the integrity of the local area network and its users are prohibited.
- h. Exemplary behavior is expected on "virtual" field trips, as the user is representing the North Salem Central School District when visiting locations on the Internet.
- i. Users shall not reveal their home addresses or phone numbers nor those of others over the Internet. Care must be exercised before revealing a surname over the Internet. Similarly, users shall not reveal information about others over the Internet.
- j. Students without signed parental permission to use the Internet are prohibited from teaming up with those who have permission to use the Internet.
- k. Any use of the Internet or the network for commercial, for-profit, or exploitative purposes is prohibited.
- l. E-mail is restricted to users with E-mail accounts authorized by the North Salem School District. The use of E-mail shall be governed by all sections of this policy.
- m. Users may not install additional application software or utilities on any school district hardware, or make any modifications to school district software, without prior, written permission.
- n. Students may use the school computer system only for legitimate educational purposes, which include class work and independent research that is similar to the subjects studied in school. Students shall not access entertainment sites, such as social networking sites or gaming sites.

- o. All student use of the District internet system or personal cell phones or other digital devices used by students while on campus is subject to the provisions of the Disciplinary Code. Students may not share or post personal information about or images of any other student or staff member without permission from that student or staff member. If a student is found to have used a personal cell phone or digital device in a manner that is not in accord with this Acceptable Use Policy, in addition to other disciplinary actions, the administrator may ban the student' use of any personal cell phone or digital device.
- p. Maintaining or posting material to a website or blog that threatens a likelihood of substantial disruption in school, including harming or interfering with the rights of other students to participate fully in school or extracurricular activities, is a violation of the student disciplinary code and subject to appropriate penalties herein.
- q. I understand that I have the responsibility for my own actions while using the internet or the network.

Section I: To be signed by student

I understand that North Salem Central School District reserves the right to:

- Log Internet use and monitor file server space utilization by users.
- Remove a user account on the network
- Access-stored materials.

I understand that violations of the Rules and Code of Ethics described above will be dealt with seriously. Violator's risk:

- Losing computer privileges on a temporary or permanent basis; and/or
- Disciplinary action; and/or
- Academic sanctions; and/or
- Prosecution for violation of local, state and federal laws.

I have read the North Salem Central School District Rules and Code of Ethics for Network and Internet Users and agree to abide by its terms. I further understand that violation of the regulations may lead to my access privileges being revoked, school disciplinary action, academic sanctions, and/or appropriate legal action.

Student's name (please print) _____

Signature _____ Date _____

-

Section 2: to be signed by parents

We, parents of (please print your child's name) _____
have read and discussed with our son/daughter the above Rules and Code of Ethics for North Salem Central School District computer users. We recognize that it is impossible for the School District to restrict access to all controversial materials and we will not hold the District, its employees, or the Internet provider responsible for materials acquired on the network.

We hereby give permission for our child to have user access to the Internet and the network at his/her school. We realize that under law we may be held financially responsible for the willful, malicious, or unlawful damage of property by our child.

Parent/Guardian name (please print) _____

Parent/Guardian signature _____ Date _____

Parent/Guardian name (please print) _____

Parent/Guardian signature _____ Date _____

APPENDIX C
HARASSMENT, HAZING, BULLYING & CYBER BULLYING

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, hazing, bullying and cyber bullying are detrimental to student learning and achievement. These actions interfere with the mission of the district, which is to educate its students, and also disrupts the operation of the schools. Such behavior affects not only the students or employees who are its targets but also those individuals who participate and witness such acts.

To this end, the Board strictly prohibits all forms of harassment, hazing, bullying and cyber bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

For the purposes of this policy, the terms “harassment”, “hazing”, “bullying”, and “cyber bullying” collectively shall refer to any intentional written, verbal, or electronic communication or physical act which intimidates or threatens another on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability, socio-economic status, class or club affiliation or other distinguishing characteristics.

If the harassment is of a sexual nature, policy/regulation 5300, Appendix A provides additional information and clarification on the district’s responsibilities in this area.

Students should use technology and the Internet in an appropriate manner. Technology is an integral part of a student’s educational experience and must be used in support of education and research consistent with the educational objectives of the North Salem Central School District. Technology includes, but is not limited to, computers, other hardware, cell phones, PDA’s and other electronic devices, software, Internet, e-mail, all other networks, etc. Student use of technology is a privilege. Students are responsible for appropriate use of all technology, including, but not limited to, e-mail, instant messaging, web pages, and the use of hardware and/or software which disrupts or interferes with the safety and welfare of the school community, is prohibited, (i.e., home business, private property, etc.).

First Reading: February 6, 2008

Second Reading: April 29, 2008

Final Reading and Adoption: May 7, 2008