

CODE OF CONDUCT

I. 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.

II. DEFINITIONS

For purposes of this code, the following definitions apply.

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

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

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law.

"School function" means any school-sponsored extra-curricular event or activity.

"Violent student" means a student under the age of 21 who:

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

3. 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 the intended purpose of which is to cause physical injury or death.

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

1. Present their point of view and advocate for their civil rights provided those activities are consistent with a safe, healthy, orderly and civil school environment.
2. An opportunity to take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability, provided they are otherwise qualified to do so.
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

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

- personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
 7. Ask questions when they do not understand.
 8. Seek help in solving problems that might lead to discipline.
 9. Dress appropriately for school and school functions.
 10. Accept responsibility for their actions.
 11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

IV. ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the 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.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Follow school rules and regulations when on school property or attending school functions.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures

- c. Assignment deadlines
 - d. Expectations for student achievement
 - e. Expectations for maintaining good order and discipline
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
 7. Identify those students in their class who exhibit behaviors related to a suspected disability that impede his or her learning or that of others, and refer those students to administration for potential interventions in accordance with federal and state law.
 8. Implement behavioral intervention plans, Section 504 plans, and Individual Education Programs as they relate to discipline of students with disabilities.

C. Support Personnel Including Guidance Counselors, Social Workers, and Psychologists

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

D. Principals

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Provide students and staff with an opportunity to communicate with the Principal and approach the Principal, Assistant Principal, or Administrative Assistants for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Implement procedures to provide the building-level procedural protections afforded to students with disabilities or those suspected of having a disability pursuant to federal and state law.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of

- misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Board of Education

1. 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.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

V. STUDENT DRESS CODE

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

A student's dress, accessories, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with 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. Include footwear at all times. Footwear that is judged to be a safety hazard will not be allowed.
5. 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.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Be appropriate to a specific educational purpose and not inhibit their full and safe participation. (Ed. Law 12:84)

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.

VI. PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other

students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

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

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language, gestures, or written communication that are profane, lewd, vulgar or abusive toward others based on race, color, creed, national origin, religion, gender or sexual orientation or disability.
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 or on school grounds, 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.
8. Cell phones, beepers, and other electronic communication devices will not be used during the school day.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Being late for school or class.

3. Being unprepared for class.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. "Weapon" means a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, Pocket knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, 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 dangerous instrument that can cause physical injury or death.
 4. Displaying what appears to be a weapon.
 5. Threatening an act of violence or to use any weapon or injure any other person or property.
 6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
 5. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
 6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. Refer to Policy 5316.
 8. Selling, using or possessing obscene material.
 9. Using vulgar or abusive language, cursing or swearing.
 10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 11. Possessing, consuming, selling, distributing or exchanging alcoholic

beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
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, bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Violating Internet/Network Acceptable Use Regulation.

F. Student Conduct on School Buses

While the law requires the school district to furnish transportation, it does not relieve parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

Once a child boards the bus – and only at that time – does he or she become the responsibility of the school district. Such responsibility will end when the child is delivered to the regular bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board of Education will require students to conduct themselves in the bus in a manner consistent with established standards for classroom behavior.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the principal. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

G. Engage in any form of academic misconduct.

VII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function 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 should 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. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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, guidance counselors, teachers, principal or his/her designee, superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal or his/her designee, superintendent
4. Detention – teachers, principal or his/her designee, superintendent
5. Suspension from transportation – principal, superintendent or their designees
6. Suspension from athletic participation – principal, superintendent or their designees
7. Suspension from social or extracurricular activities – principal, superintendent or their designees
8. Suspension of other privileges – principal, superintendent or their designees
9. In-school suspension – principal, superintendent or their designees
10. Referral to building principal by teacher, bus driver, monitors, and aides
11. Removal from classroom by teacher – teachers, principal or his/her designee, superintendent
12. Short-term (five days or less) suspension from school – principal or his/her designee, superintendent, board of education
13. Long-term (more than five days) suspension from school - principal or his/her designee, superintendent, board of education

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. When necessary, parents should be notified that their child will be required to serve after-school 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.

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. (For the junior/senior high school student, the extra-curricular and athletic code of conduct-Alcohol/Drug Intervention Guidelines as promulgated in the Babylon Junior/Senior High School Agenda shall apply.)

4. Providing Alternative Learning Experiences

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in an alternative learning setting apart from the regular classrooms. A placement in an A.L.S. is the temporary reassignment of students from the classroom to another area of the school building designated for such supervision where students will receive substantially equivalent, alternative education.

A student subjected to an Alternative Learning Setting 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 assigning students to the Alternative Learning Setting.

5. Teacher Assignment of Disruptive Students to Alternative Learning Setting

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the Principal's office for a short time; or (3) sending a student to a 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.

A classroom teacher may assign a student from class to A.L.S for up to five days if the teacher determines that the student is disruptive (hereinafter "reassignment"). A teacher may only reassign students from his or her class for the duration of that 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 reassigned, with an explanation for why he or she is being reassigned. 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 reassign a student from class.

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be reassigned immediately. The teacher must, however, explain to the student why he or she was reassigned 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 as soon as possible, but no later than the end of the school day, to explain the circumstances of the reassignment and to present the referral forms. If the principal 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 his/her designee prior to the beginning of classes on the next school day.

Within one school day after the student's reassignment, the Principal or another district administrator designated by the Principal must notify the student's parent that the student has been reassigned 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 his/her designee and the reassigning teacher to discuss the reasons for the reassignment. The Principal should 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 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.

The Principal or the principal's designee may overturn the reassignment of

the student from class if the principal finds any one of the following:

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of reassignment of students from his/her class. The Principal or his/her designee must keep a log of all reassignment of students from class. [Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from 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.] A teacher is responsible for reviewing the individual educational program (I.E.P.), behavioral intervention plan (B.I.P), or Section 504 plan of each student identified as a student with a disability assigned to his or her class prior to the reassignment of the student. Upon reassignment of a student with a disability, the teacher shall immediately notify the principal and supervision of the A.L.S. of the action and the requirements of student's I.E.P. and/or B.I.P. A teacher is responsible, in conjunction with other staff and administration, to conform the exercise of his or her disciplinary authority to the requirements of state and federal laws and regulations.

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 refer a student to the principal for disciplinary action or manage student behavior in the classroom.

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, Superintendent or their designees 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 referral is to be prepared as soon as possible by the staff member recommending the suspension.

a. Short term (five days or less) Suspension from School

When the Superintendent, Principal or their designees (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. When feasible, 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.

If the student subject to discipline is classified as a student with a disability or is suspected of having a disability, the principal shall determine whether a short-term suspension may constitute a change of placement for that student. If so, the principal shall refer the matter to the Committee on Special Education for a manifestation determination, and impose consequences for behavior in compliance with state and federal laws and regulations with respect to students with disabilities.

The parent may file a written appeal to the superintendent within 10 days, however, this process does not forestall the suspension. An appeal of the decision of the superintendent may be made to the board of education that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or 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.

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

b. Long term (more than five days) Suspension from School

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

If the student subject to discipline is classified as a student with a disability or is suspected of having a disability, the Superintendent shall determine whether a long-term suspension may exceed ten days or otherwise constitute a change of placement for that student. If so, the Superintendent shall refer the matter to the Committee on Special Education for a manifestation determination, and impose consequences for behavior in compliance with state and federal laws and regulations with respect to student with disabilities.

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, found guilty of bringing a weapon onto school property can be subject to suspension from school for at least one calendar year, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. 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:

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

The Superintendent is required to refer the following students to the County Attorney (or the County presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court.

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in § 265.00 of the Penal Law) on school grounds (as defined in § 220.00 (14) of the Penal Law) qualifies for juvenile offender status under § 1.20 of the Criminal Procedure Law.

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

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

Any student 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, unless the student is classified as a student with a disability, and the suspension would violate the provisions of Section 201 of the Commissioner's regulations. 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 who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom and has been reassigned from the classroom by teacher(s) for at least five days on four or more occasions during a semester, will be suspended from class or school for a at least five days, unless the student is classified as a student with a disability and the suspension would violate the provisions of Section 201 of the Commissioner's

regulations. 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. 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 immediate steps to provide alternative means of instruction by certified staff for the student. In addition, 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 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 that may be triggered when 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. Those procedures are set forth at Part 200 of the Commissioner's Regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "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 in-school suspension, disciplinary referral, or temporary reassignment shall not constitute a suspension or removal, provided that the student is afforded the opportunity to appropriately progress in general curriculum, continues to receive services on his or her I.E.P., and continues to participate with non-disabled students to the extent that he or she would have in the current placement.

"IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized

education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability to the same extent as a non-disabled student provided the conduct that resulted in the removal or suspension was not a manifestation of the student's disability.

3. If the student's conduct is determined to be, or may be, a manifestation of the student's disability, the school personnel may order the suspension or removal of a student with a disability provided:

- a) a short term of suspension or removal does not constitute a change in placement. A short term suspension or removal may constitute a change of placement where the total suspensions or removals in a school year cumulate to more than 10 school days and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another; and
- b) a long term suspension or removal does not constitute a change in placement or exceed 10 consecutive days for violations of the school code, other than when a student with a disability possesses a weapon on school grounds, or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function

4. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

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

5. 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. Essential Partners for Students with Disabilities

The Committee on Special Education shall:

- a. conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

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

- b. conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

C. 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.

XI. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the

purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot 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.

XII. STUDENT SEARCHES AND INTERROGATIONS

In recognition of certain societal problems which present themselves from time to time in our schools, the Board authorizes the Superintendent of Schools, Building Principals, Assistant Principals, and other authorized school officials to conduct searches of pupils and their possessions for illegal matter or matter which otherwise constitutes evidence of a violation of the law or any school rule, policy or directive.

In authorizing such searches by staff, the Board acknowledges students have state and federal constitutional rights to be free from unreasonable searches and seizures. Accordingly, staff searches of pupils and searches of their possessions (i.e.: pocket contents, bookbags, handbags, etc.) shall not be conducted unless founded upon reasonable suspicion.

Pupils shall be informed by the Administration that school lockers, desks, and other storage areas of the school are not their private property, but the property of the school district. Staff may open those areas, and subject that space to inspection at any time. Pupils do not have a reasonable expectation of privacy for their lockers, desks, or other storage areas. The Superintendent of Schools is authorized to implement a program 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.

The Superintendent of Schools shall establish regulations regarding staff searches of students, lockers, desks and other areas in accordance with this policy and the law.

A. Documentation of Searches

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

1. Name, age and grade of student searched.
2. Reason for the search.
3. Informant(s): Parent Student Staff

4. Purpose of search.
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses to the search.
8. Time and location of search.
9. Results of search.
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or the 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.

B. Police Involvement in Searches and Interrogations of Students

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

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

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.

C. 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 cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not 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.

XIII. VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Visitors should not expect to take class time to discuss individual matters.
5. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
7. School facilities and grounds are primarily for the use of the students. The facilities are not available for public use during the hours that school programs are in progress.

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

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.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage, destroy or remove 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 race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
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, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray 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 on school property.

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 and may be subject to Babylon Town ordinances.

2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

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

When the Superintendent or his or her designee sees an individual engaged in prohibited conduct, the designated school official shall tell the individual that the conduct is prohibited. The school official may 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.

D. Trespassing

The Babylon Board of Education, exercising its powers under the Babylon Town Trespass Ordinance and the New York State Penal Law 140 hereby prohibits unauthorized or unlicensed persons to trespass on any school properties under its jurisdiction. To carry out this policy, the board authorizes the Superintendent of Schools to designate, on or before September 1st of each school year, certain personnel for each building and those with jurisdiction over all buildings to issue orders against a person trespassing. Such a list may be revised at any time necessary to update.

XV. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at the

beginning of each school year.

2. Notify all parents that copies of the full code of conduct policy are available in each school building.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.

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.

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.

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 no later than 30 days after adoption.