

CHESTER UNION FREE SCHOOL DISTRICT

DISTRICT CODE OF CONDUCT

INTRODUCTION (<h1>)

The Chester Union Free School District is committed to maintaining high standards of education for students in the schools. Because the District believes that order and discipline are essential to being educated effectively, the District is also committed to creating and maintaining high behavioral standards and expectations. A safe orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behavior, and provides for appropriate disciplinary options and responses.

The District believes that order and discipline must be a shared responsibility between school, home, and community. This Code of Conduct was developed in collaboration with student, teacher, administrator, and parent organizations, law enforcement personnel, and other Board-approved school personnel. Finally, it is our belief that, to be effective, such a code must:

- identify, recognize and emphasize acceptable behavior;
- identify, recognize and prevent unacceptable behavior;
- promote self-discipline;
- consider the welfare of the individual, as well as that of the school community as a whole;
- promote a close working relationship between parents/guardians and the school staff;
- distinguish between minor and serious offenses, as well as between first time and repeated offenses;
- provide disciplinary responses that are appropriate to the misbehavior;
- outline procedures to ensure that it is administered in a way that is fair, firm, reasonable, and consistent;
- encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct;
- Comply with the provisions of federal, state, and local laws, as well as the guidelines and directives of the New York State Department of Education and the Board of Regents.

A school's primary concern in establishing a code of discipline is to enable our young people to become responsible, respectful, and caring citizens within the school and community settings. The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

The parent/guardian is expected to assume primary responsibility for control of his or her child and actively cooperate with the school in providing the necessary structure to promote his or her child's social and educational growth. To this end, a high degree of parent-school communication is fostered by the school.

A continuum of disciplinary measures available to the administration of each school building include informal/formal classroom management techniques provided by the student's teacher, including positive behavioral supports, conferences, detention, in-school suspension, out-of-

school suspension, and administrative hearings with the designated Hearing Officer. Administrative hearings can result in out-of-school suspensions of more than five days, and in particularly serious cases, a student may be permanently suspended from school.

DEFINITIONS (<h2>)

For the purposes of this Code, the following definitions apply:

Disruptive Student - 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.

Nexus - probable relationship between the student's behavior and the student's disability.

Parent - the parent, guardian, or person in parental relation to a student.

Removal - the act of a teacher in discontinuing the presence of the student in his/her classroom after the teacher's interventions and discipline plan have been exhausted.

School Property - in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of property owned by the school district, or in or on a school bus as defined in §142 of the New York State Vehicle and Traffic Law.

School Function - any school sponsored extra-curricular, co-curricular, or other event or activity.

Suspension - the act of a building Principal (or acting building Principal), Superintendent of Schools, District Superintendent, or Board of Education in discontinuing the presence of a student from his/her regular classes.

Violent Student - a student under the age of 21 who:

- commits an act of violence upon a school employee, or attempts to do so;
- 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 a school function, or attempts to do so;
- possesses, while on school property or at a school function, a weapon;
- displays, while on school property or at a school function, what appears to be a weapon;
- threatens, while on school property or at a school function, to use a weapon;
- 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;
- knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in the Gun-Free Schools Act (18 USC §921) (any firearm, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such firearm; any firearm muffler or silencer; or any destructive device, as well as any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box

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

In accordance with the Dignity for All Students Act, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

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 (Education Law Section 11[1]).

School Bus means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

School Function means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section 11[4] and 1125[3]).

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse

based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

Race means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

National Origin means a person's country of birth or ancestor's country of birth.

Ethnic Group means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

Religion means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

Religious Practice means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

Sexual orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES (<h3>

The Chester Union Free School District believes in the right of each child, between the ages of 5 and 21 years or until the child receives a high school diploma, whichever comes first, to receive a free and appropriate education. All students in this state between the ages of 6 and the school year through which he or she becomes 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education.

The right to a free public school education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily, or suspended permanently from school. Only students within the compulsory education ages (age 6 through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension.

RIGHTS OF STUDENTS (<h4>

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right

- to be provided with an education that is intellectually challenging and relevant to demands of the 21st century;
- to learn in an environment free from interruption, harassment, discrimination, intimidation, and fear;
- to participate in district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability, or sexual orientation;
- to be informed of all school rules;
- to be guided by a discipline policy which is fairly and consistently implemented.
- to be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

In addition, students in this District are afforded the following rights:

1. **Student Expression** - Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom is subject to limitation in that the constitutional protections will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.
2. **Symbolic Expression** - Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands, or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code".
3. **School Newspaper(s)**: the official school newspaper(s) affords students an opportunity to participate in the activity of learning how to report the news events of the school and for the sincere expression of all facets of student opinion. The following guidelines shall apply to materials published in school newspaper(s):
 - a. all materials shall be subject to prior review by the official advisor of the school newspaper(s) and by the principal of the building where the newspaper is published whose decisions regarding publication shall be made within two (2) days.
 - b. either the advisor to the school newspaper(s) or the building principal, as well as the superintendent of schools or Board of Education, may prohibit the publication of school newspaper materials or articles to the extent that they:

- clearly endanger the health, safety, or welfare of students.
 - imminently threaten to disrupt the educational process of the school.
 - constitute libelous or obscene writing.
 - threaten any person or group in the school or advocate discrimination on the basis of race, religion, age, sex, sexual orientation, marital status, or national origin.
- c. **Appeals Procedure:** in the event that the newspaper(s) advisor or another school official renders a decision that certain materials shall not be printed in the school newspaper(s), the student shall be entitled to a review of that decision by the superintendent of schools, whose decision shall be final in this matter and shall be rendered within three (3) days of the initial decision to prohibit such publication.
4. **Student Activities** - All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student Code of Conduct and any rules promulgated specifically for participation in extra and/or extracurricular activities.
5. **Student Government** - Students are encouraged to participate in the various student governmental bodies, which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy, and elected student representatives shall work with the faculty, administration, and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the students shall participate in formulating.
6. **Student Clubs and Other Student Organizations** - The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.
7. **Privacy Rights (Search and Seizure)** - Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. Police will be notified when there is reason to believe the student possesses an illegal substance or a dangerous weapon. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.
8. **Pregnant Students** - During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

9. Student Grievances and Complaints - If a student has a grievance or a complaint about a school related matter, a school employee, or other school official, he/she may have a conference with the principal or submit it, in writing, to the Principal of the school who shall respond within ten (10) school days with a written answer or proposed resolution. Grievances or complaints may be appealed in writing to the Superintendent of Schools if the Principal's answer or proposed resolution is not deemed satisfactory by the student. The Superintendent of Schools shall respond to all grievances and complaints within a reasonable period of time following receipt of the written appeal document.

RESPONSIBILITIES OF STUDENTS (<h5>

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- **to accept responsibility for his/her actions;**
- **to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;**
- **to attend school on a regular and punctual basis;**
- **to complete class assignments and other school responsibilities by established deadlines;**
- **to show evidence of appropriate progress toward meeting course and/or diploma requirements;**
- **to respect school property, e.g. lockers, and help to keep it free from damage;**
- **to obey school regulations and rules made by school authorities and by the student governing body;**
- **to recognize that teachers assume the role of in loco parentis in matters of behavior and discipline when at school, as well as during any school-sponsored activities;**
- **to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;**
- **to become familiar with this code and seek interpretation of parts not understood;**
- **to actively discourage inappropriate behavior of other students and report the incidents to the administration, teacher, or staff member who, in turn, will report the behavior to administration;**
- **to communicate regularly with their parent/guardian regarding his/her educational program and/or progress and to seek assistance with the same whenever necessary.**
- **To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.**

THE ROLE OF PARENTS (<h6>

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this wholesome relationship, parents are urged:

- **to show an enthusiastic and supportive attitude toward school and education;**
- **to build a good working relationship between themselves and their child;**
- **to teach their child self-respect, respect for others, respect for the law and for public property at all school sponsored activities, and on all school district**

- property;
- to insist on prompt and regular attendance;
 - to listen to the views and observations of all parties concerned;
 - to recognize that teachers merit the same consideration and respect that parents expect from their child;
 - to encourage their child to take pride in his/her appearance;
 - to insist that their child promptly bring home all communications from school;
 - to respond to any communication or directive from the school in a timely fashion;
 - to cooperate with the school in jointly resolving any school related problem;
 - to set realistic standards of behavior for their child and resolve to remain firm and consistent;
 - to help their child learn to deal effectively with negative peer pressure;
 - to provide a place conducive for study and completion of homework assignments;
 - to demonstrate desirable standards of behavior through personal example;
 - to foster a feeling of pride in their child for their school;
 - to provide support and positive reinforcement to their child;
 - to communicate regularly with their child's teacher regarding emotional issues, particularly if a situation arises at home which may impact the child's ability to perform in school.
 - Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

THE ROLE OF SCHOOL PERSONNEL (<h7>)

School personnel play an important role in the education of students. In view of this responsibility, school personnel must:

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- reinforce the common courtesies by instruction and example;
- treat students in an ethical and responsible manner;
- help students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Code of Conduct to the building Principal or acting building Principal;
- immediately report and refer violent students to the Principal or Superintendent of Schools;
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

THE ROLE OF TEACHERS (<h8>)

Every teacher knows that he/she works every day with this nation's most precious resource - the future generation. In view of this responsibility, the teacher must:

- **Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;**
- **plan and conduct a program of instruction that will make learning challenging and stimulating;**
- **recognize that some disciplinary problems are caused by a student's personal and academic frustrations;**
- **utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;**
- **seek to develop close cooperative relationships with parents for the educational benefit of the student;**
- **distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;**
- **teach and reinforce the common courtesies by instruction and example;**
- **handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;**
- **help students cope with and learn to deal with negative peer pressure;**
- **identify changing student behavior patterns and notify appropriate personnel;**
- **enable students to discuss their problems with them;**
- **send communications home promptly;**
- **report to the Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;**
- **treat students in an ethical and responsible manner;**
- **help students to reach their maximum potential in and outside the classroom;**
- **serve in loco parentis in matters of behavior and discipline in accordance with New York State School Law;**
- **provide positive behavioral supports to encourage academic success and emotional well-being;**
- **explain and interpret the discipline code to students;**
- **enforce the code in all areas of the school;**
- **demonstrate desirable standards of behavior through personal example;**
- **know the support services available to students and refer students who are in need of such services;**
- **comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse to proper authorities;**
- **inform the student and the Principal of the reason for the removal from class;**
- **immediately report and refer violent students to the Principal or Superintendent of Schools;**
- **Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function;**
- **Address personal biases that may prevent equal treatment of all students in the school or classroom setting;**
- **Report incidents of discrimination and harassment that are witnessed or otherwise**

brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

THE ROLE OF BUILDING ADMINISTRATORS (<h9>)

As the educational leaders of the school, the Principal and his/her assistant(s) set the disciplinary climate for the school, not only for students, but for staff as well. Therefore, they must:

- seek to develop a sound and healthful atmosphere of mutual respect;
- evaluate the program of instruction in their school to achieve a meaningful educational program;
- help their staff self-evaluate their procedures and attitudes in relation to the interactions within their classrooms;
- develop procedures which reduce the likelihood of student misconduct;
- provide the opportunity for students and staff to approach the Principal directly for redress of grievances;
- work with students and staff to formulate school regulations;
- assist staff members to resolve problems which may occur;
- work closely with parents to establish a wholesome relationship between home and school;
- utilize all appropriate support staff and community agencies to help parents and students identify problems and seek solutions;
- establish necessary building security;
- assume responsibility for the dissemination and enforcement of the “Discipline Code” and ensure that all discipline cases referred are resolved promptly;
- ensure that students are provided with fair, reasonable, and consistent discipline;
- comply with pertinent state laws governing hearings, suspensions, and student rights;
- develop behavior guidelines and appeals procedures specific to each assigned school in harmony with this “Code of Student Conduct and Responsibilities”;
- demonstrate desirable standards of behavior through personal example;
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

THE ROLE OF DISTRICT ADMINISTRATORS (<h10>)

As the educational leaders of the school system, the Superintendent of Schools and central administrators must:

- Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning;
- reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades K-12;
- recommend to the Board of Education appropriate policy, regulations, and actions to

- achieve optimum conditions for positive learning;
- develop and implement an effective “Code of Conduct” supportable by students, parents, staff, and community;
- demonstrate desirable standards of behavior through personal example;
- provide each teacher with a copy of the Code of Conduct.

THE ROLE OF THE BOARD OF EDUCATION (<h11>

As the elected officials in charge of our schools, the Board of Education:

- adopts the policies governing the District, including this Code of Conduct;
- ensures that the Code of Conduct contains clear behavioral expectations and disciplinary consequences for students, staff, and visitors;
- ensures that the Code of Conduct is clearly communicated to students, parents, staff, and the school community;
- ensures that the Code of Conduct is implemented and enforced in a consistent, reasonable, fair and equitable manner;
- annually reviews the Code of Conduct and updates it as necessary
- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

CONDUCT OF VISITORS (<h12>

In an effort to maintain a safe, orderly, and healthy educational environment, all visitors to the District must sign-in at the Main Office of the building visited and obtain a visitor’s pass that is to remain visible at all times. Visitors are expected to comport themselves in a manner that does not disrupt the academic process and in accordance with the law and this Code of Conduct and at all school sponsored events and on all school district property.

REPORTING CODE VIOLATIONS (<h13>

1. To School District Personnel

Students, teachers, and other District personnel are encouraged to report any violation of the Code of Conduct to the Principal or, in his/her absence, the acting Principal. Teachers and other District personnel shall immediately report violent students to the Principal or Superintendent of Schools.

2. To Local Law Enforcement Agencies

The District will report any acts of violence against persons that may constitute a felony or misdemeanor and other violations of the Code of Conduct which may constitute a felony to the appropriate local law enforcement agency when the actor is over the age of 16. When necessary, the District will file a complaint in criminal court against the offender.

3. To Human Services Agencies

The District will report any violations of the Code of Conduct which constitute a crime when the offender is under the age of 18 to the appropriate human services agencies and may report

the same to the local law enforcement agency. When necessary, the District will file a juvenile delinquency petition or a Person in Need of Supervision (PINS) petition in Family Court.

REMOVAL OF A STUDENT FROM THE CLASSROOM (<h14>

The School District has determined that certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, effort will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the District goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students, and visitors.

Teachers shall have the authority to remove a student from their classrooms whenever the student substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. "Substantially disruptive" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson, to address the disruptive conduct of the student. "Substantially interferes" with the teacher's authority over the classroom shall mean that the student has been insubordinate to the teacher in the presence of the class and has failed to obey the teacher's directives to cease and desist (e.g., at least two directives).

A teacher may remove a student for the remainder of the class upon the first event and for two days of class upon the second or third event. Upon the occurrence of a fourth event, a Principal's suspension shall occur.

Notwithstanding the above, in light of circumstances that warrant suspension, a Principal's suspension for substantially disruptive behavior may be implemented in addition to or in lieu of removal of the student from the classroom by the teacher.

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- the teacher must advise the student in class (or within 24 hours of removal where the student is unmanageable at the time of initial removal) to inform the student of the reason(s) for the removal;
- prior to removal from the classroom (or within 24 hours of removal where the student presents an ongoing threat of disruption or a continuing danger at the time of removal), the teacher shall inform the student of the basis for the removal and allow the student to informally present his/her version of the relevant events;
- the Principal or designee must be notified immediately, in writing, by the teacher of the student's removal from the teacher's class;
- the Principal or designee must inform the student's parent of the removal and the reasons therefore within 24 hours of the student's removal;
- upon request, the student and his/her parent must be given an opportunity for an informal conference with the Principal or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent an opportunity to present the student's version of the relevant events within

48 hours of the student's removal.

- **the Principal or designee may not set aside the removal unless he/she finds that the charges against the student are not supported by substantial evidence, or the student's removal otherwise violates law, or the conduct warrants suspension from school and a suspension will be imposed.**
- **the Principal's/designee's determination on whether or not to support the teacher's removal of the student shall be made by the close of business on the day succeeding the 48-hour period for the informal Principal's removal conference. The teacher who causes the removal may be required to attend the Principal's conference at the Principal's discretion.**

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools in writing prior to any further appeal.

(Refer to "Suspension of Students with Disabilities" for specifics of discipline for special education students)

STUDENT SUSPENSION PROCESS (<h15>)

The Board of Education, District Superintendent, Superintendent of Schools, a Principal or in his/her absence, an acting Principal, may suspend a student from school where it is determined that the student:

- **is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or**
- **exhibits a physical or mental condition(s) which endangers the health, safety, or morals of himself/herself or of other students; or**
- **is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom four or more times in one semester.**

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed below.

A. Pre-Suspension Process

Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following

suspension, as soon thereafter as is reasonably practicable. In all cases, there shall be no suspension until after the informal Principal's conference, unless waived, as described in paragraph "C", below.

B. Short-Term Suspension Process

Prior to a proposed suspension from school for between 1 and 5 days by a Principal or an acting Principal in the absence of the Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible, at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian. If a student is to become a witness, the student's parent will be informed and may be present prior to testifying.) The right to an informal conference with the Principal shall also extend to a student of 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

Any appeal brought by the parent or student over the age of 18 of a Principal's suspension must be presented to the Board of Education prior to filing any further appeal.

C. The Long-Term Suspension Process: Suspension for More than Five Days

Any suspension from school in excess of 5 school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.

When a student is subject to a long-term suspension, a hearing shall be conducted by the Superintendent if the Principal, acting Principal, or the Superintendent has made the original suspension, or before the Board where that body has made the original suspension. The Superintendent of Schools or Board of Education may designate a Hearing Officer to make findings of fact with respect to the charges of infractions under this Code of Conduct, as well as penalty recommendation pursuant to the penalty parameters described herein.

D. Hearing Procedures

Notice of Hearing

In the event of the suspension of a student under the age of 18 years, the notice of suspension will be mailed or delivered to the parent, who shall have a minimum of 48 hours' notice of the time and place of the hearing, as well as the nature of the charge(s) and the facts, sufficiently stated, so that a proper defense may be placed upon the record on behalf of the student.

In the event of the suspension of a student over the age of 18, the notice, as described above, shall be delivered or mailed to the student, as well as to the student's parent(s), if any. Emancipated minors shall be entitled to the same notice rights as a student beyond the age of 18 years.

All notices of long-term suspension hearings shall contain provisions indicating that the student has the right to be represented by an attorney or lay counsel, that a transcript of the hearing will be prepared (tape recording or stenographic record), and that the student has the right to subpoena witnesses or otherwise present witnesses in his/her defense. The time, date, and location of the hearing shall also be prominently set forth in the notice.

If the student is 18 years of age or older, the letter described above will be mailed to the student as well as his/her parent.

The Long-Term Suspension Hearing

The hearing shall be conducted by the Superintendent or a designated Hearing Officer in the event of a suspension by a Principal, acting building Principal, or the Superintendent. The hearing shall be conducted by the Board or its designated Hearing Officer in the event that the suspension originated by Board action.

At the beginning of the hearing, the Hearing Officer shall inform the student and the student's representative(s):

- **that the District's and the student's representatives shall have the right to examine and cross-examine witnesses;**
- **that the student has the privilege against self-incrimination but, that if the student does testify, he/she shall be subject to cross-examination;**
- **that the District has the burden of proving the charges by a preponderance of the credible evidence;**
- **that a transcript of the proceedings shall be maintained and made available to the student's representative upon request; and**
- **that the hearing shall be private or open to the public, as determined by the student's representative.**
-

The person conducting the hearing shall not have intimate knowledge of the details of the charges to assure an impartial, unbiased hearing of the case.

The Hearing Officer shall inform the parties:

- **that the case will proceed by having the District present its evidence through witnesses and other evidence first;**
- **that the District's witnesses shall be subject to cross-examination by the student's representative; and**
- **that the student will then have the opportunity to present witnesses on his/her behalf, subject to cross-examination by the District's representative.**

Following the conclusion of the testimony and the introduction of other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Officer indicating the reasons why the charges should be sustained or dismissed. The Hearing Officer shall then reach findings of fact upon the charges.

In the event that one or more of the charges is sustained, the Hearing Officer shall then entertain statements from the parties regarding the appropriate penalty outcome. In the event that the parent and/or the student, in an appropriate case, have been served with a copy of the student's past disciplinary anecdotal record in a timely fashion (at least 48 hours before the hearing), for consideration at the hearing, such record may be considered by the Hearing Officer in determining an appropriate penalty. The incidents contained within the past anecdotal record shall be subject to proof to the extent that they are denied by the student, as expressed by the student's representative.

The Hearing Officer, upon the conclusion of the portion of the proceedings dealing with penalty determinations, shall make findings of fact and penalty recommendations, if any, to the person or body which designated him/her immediately upon the conclusion of the long-term suspension hearing.

The Superintendent or Board, whichever designated the Hearing Officer, shall make its own findings of fact and penalty decision, by adopting those of the designated Hearing Officer, where applicable, in whole or in part, or by reaching independent findings of fact and penalty determinations. This process shall be concluded within the 5 school day period from the time of the initial suspension if the student is to be continuously suspended. The decision may be communicated to the student's representative and/or student (where over the age of 18) beyond the 5 school day period in cases where the student has been reinstated to attendance in school pending the final determination on the charges and penalty by the Superintendent or the Board, in cases to be decided by them, respectively.

Alternative Instruction

Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.

In the event that a student within the compulsory education ages of 6 and the school year in which he/she becomes 16 is suspended from school in excess of 5 school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

Appeals Process

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal [or may be appealed] to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence, and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education or the courts.

OFF-CAMPUS MISCONDUCT (<h16>

A student may be subject to discipline for conduct which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools and/or Board of Education believes that the continued attendance in school of the student would constitute an endangerment to the health, safety, welfare, or morals of the student and/or others in our schools.

DRESS AND GROOMING (<h17>

Staff is expected to dress and be groomed in a professional manner. Students are expected to dress and be groomed in an appropriate manner. Students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, and home and careers skills classes.

If a student's attire or grooming violates the dress code, he/she will be required to change to acceptable attire. The school will provide laundered loaner clothing. Our objective is to have the student realize the problem and return to their formal classes as soon as possible.

The following are considered to be inappropriate dress, grooming, and appearance and are prohibited in school or at school functions:

- any dress or appearance which constitutes a threat or danger to the health and safety of students (e.g., heavy jewelry or jewelry with spikes which can injure the student or others);
- any dress or appearance which is (or implies) vulgar, lewd, obscene, indecent or profane or which exposes to sight the private parts of the body, torso, or underwear (e.g., t-shirts with a phallic symbol and messages consisting of sexual metaphors, see-through garments, extremely plunging necklines or waistlines);
- any phrasing that draws attention to a private body part;
- any dress or appearance which encourages or advocates use of illegal drugs, alcohol and/or tobacco;
- any dress or appearance which advocates or encourages other illegal or violent activities;
- any dress or appearance which advocates discrimination or denigrates others based upon race, color, creed, religion, national origin, gender, sexual orientation or disability;
- the wearing of hats or head gear, such as do-rags, sun visors, bandanas, etc. in the school building as they are a sign of disrespect (unless worn for religious or medical reasons);
- any dress or appearance which constitutes a disruption to the educational process.
- specifically, midriffs (exposing the stomach), short shorts, short skirts (when the student's hand is at the side, the tips of the fingers should not be longer than the skirt), skorts or shorts worn under a skirt, athletic tops exposing the chest, excessively tight or baggy clothing, strapless tops, one strap tops, tube tops, halter tops, sheer or open knit clothing where undergarments or cleavage are visible, attire or accessories that, in writing or pictorial depiction, are lewd, vulgar, indecent, or promote matters otherwise prohibited at school (e.g. indecent sexual matters, promoting use of or advertising tobacco, alcohol, or illegal substances). Hats or any other headgear (such as do-rags, sun visors, etc.) should not be worn in the building and will be confiscated. Winter coats are not to be worn in the building and will be confiscated. Pants must be worn so that they remain above the hips without undergarments exposed. Students may not wear their pajamas to school. Students may not wear attire that is likely to cause damage to

school or students' property or persons (e.g. cleated shoes, spike bracelets, long hanging chains). Students are expected to abide by this dress code at concerts, class trips, dances, plays, assemblies, etc.

When a dress code violation occurs, the following procedures will occur.

Elementary School

- 1) Student breaks the code and the principal is called.
- 2) Student goes to the Principal and is given the option of laundered clothing or calling the parents to bring acceptable clothes.

Chester Academy

- 1) school staff will notify nurse that a student is in violation of the dress code;
- 2) Principal will call the student down*;
- 3) the Principal will make the final determination if the student is in violation;
- 4) if a violation has occurred, the Nurse will provide laundered clothing to amend the violation;
- 5) if a student is reported to the Principal a second time in one day, student will be referred for further disciplinary action.

*The Nurse will document dress code violations.

COMPUTER AND INTERNET USE (<h18>)

The following prohibited use of District-owned computer drives, network facilities, and Internet links may give rise to disciplinary action against users of such equipment and/or facilities:

1. E-mail originating from the school premises or received at the school premises that a student user creates that:
 - is lewd, vulgar, obscene, indecent, or inappropriate for student recipients of certain ages;
 - conveys an imminent threat of violence, including sexual violence, to a specific individual or individuals;
 - constitutes a state and/or federal crime;
 - is the cause of or a substantial contributing factor to a substantial interference with the orderly functioning of the school(s);
 - attributes the text of e-mail to school officials or that the text is school endorsed, unless there is such official endorsement or consent from school officials;
2. Internet use that circumvents access restrictions placed upon the District's computer systems by the Board of Education or its administrative designee(s).
3. Computer and/or Internet use that is not school related or is unauthorized, including the use of Instant Messaging.
4. Permitting the use of a student's computer access code by any other person and such student shall assume responsibility for occurrences in violation of this Code of Conduct that occurs under the student's access code number.
5. The school district has an "acceptable use policy" for computer use that all students and parents must consider.

6. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
7. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

BUS RULES (<h19>)

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

1. Observe classroom conduct.
2. Be courteous, use no profane language.
3. Do not eat or drink on the bus.
4. Keep the bus clean.
5. Cooperate with the driver.
6. Do not smoke.
7. Do not damage bus or equipment.
8. Stay in your seat.
9. Keep head, hands, and feet inside bus.
10. Do not fight, push, or shove.
11. Do not tamper with bus equipment.
12. Do not bring pets on the bus.
13. Do not bring flammable material on the bus.
14. The bus driver is authorized to assign seats.
15. Have a safe trip.

Suspension from Transportation Service

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed

to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. (If a student is to become a witness, the student's parent will be informed and may be present prior to testifying). If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

SUSPENSION FROM EXTRA-CURRICULAR, CO-CURRICULAR ACTIVITIES, AND SCHOOL FUNCTIONS (<h20>)

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein, for violating a Code of Conduct issued to participants in the activity by the activity supervisor or for fighting at games.

Upon the request of the student's parent/guardian, the building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from the activity.

If a student is suspended from school pursuant to §3214 of the Education Law, he/she shall not be permitted to participate in any extra-curricular or co-curricular activities, as well as any other school events or activities which take place on the days of suspension (including intervening weekends).

SUSPENSION OF STUDENTS WITH DISABILITIES (<h21>)

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the District will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than 5 days. The §3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

Section (§) 504/Title II ADA Disability

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the §504 multi-disciplinary committee (hereinafter the "§504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If a nexus is found between the disability and the conduct underlying the charges, the §3214 proceeding must be discontinued and the matter placed under the jurisdiction of the §504 Committee for any further consideration. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole

disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR 104 et. seq.) until the end of the school year in which the student reaches the age of 21.

IDEA Disability

Before discipline may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter “IDEA”) [a student with an educational disability], the Committee on Special Education (hereinafter the “CSE”) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

1. If a nexus is found between the disability and the conduct, the §3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the §3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a nexus determination was not made.

The School District must continue to provide a free appropriate public education to students who have been suspended from school.

Suspensions Beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under §504/Title II of the ADA may not be suspended for more than 10 school days unless the §504 Committee has conducted a nexus determination and found that the behaviors underlying the disciplinary charges were not a manifestation of the student’s disability.

A student classified or deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

- 1. The CSE has made a determination that the student's misconduct was not related to the student's disability;**
- 2. The School District obtains a court order authorizing the suspension;**
- 3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;**
- 4. The parent or student 18 years of age or older gives their consent, in writing.**

In determining a disciplinary outcome, a §3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under §504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the §504 Team or CSE, respectively.

Suspensions for Misconduct Involving Weapons and/or Drugs

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five (45) days (less if the discipline for a non-disabled student would be less), if the student carries a weapon to school or 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.

- 1. In accordance with law, the term "weapon" means "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 that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."**
- 2. In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.**

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

- 1. Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.**
- 2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and**

enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon §504/Title II ADA.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education Impartial Hearing Officer who can order the placement of the student in an interim alternative setting for up to 45 days.

1. The CSE must conduct a nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
2. It is up to the CSE to determine what would constitute an interim alternative educational setting.
3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current placement. The Hearing Officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

Declassified Students

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

DISCIPLINE CODE GRADES K-12 (<h22>)

The Chester Discipline Code for students in grades K-12 is on the next two pages titled “Disciplinary Measures” and “Infractions with Range of Penalty References”. Administrators are authorized to impose the consequences listed.

Disciplinary Measures

1. Warnings (oral or written)
2. Parent Notification
3. Parent Conference
4. Referral to Counselor
5. Detention
6. Loss of student privileges
7. Restriction of Bus Privileges
8. Teacher Removal
9. Removal to Alternate Location
10. Community Service
11. Restitution
12. Social Probation
13. In-school Suspension
14. Out-of-school Suspension (1-5 days)
15. Referral to Police
16. PINS Petition
17. Superintendent’s Hearing (> 5 days)
18. Alternative Education up to 45 days
19. Mandatory Yearlong Suspension – Superintendent
20. Expulsion
21. Other

PUBLIC CONDUCT ON SCHOOL PROPERTY (<h23>)

The Board of Education recognizes that the primary purpose of the School District is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

Prohibited Conduct

No person, either singly or in concert with others, shall:

- **willfully cause physical injury to any other person, or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;**
- **engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being;**
 - **intimidate, harass, or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;**
 - **physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain;**
 - **willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;**
 - **without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;**
 - **enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;**
 - **without authorization, remain in any building or facility after it is normally closed;**
 - **refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;**
 - **obstruct the free movement of persons and vehicles in any place to which these rules apply;**
 - **deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;**
 - **knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person;**
 - **willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;**
 - **smoking, vaping or other tobacco or nicotine products use on campus or at school functions;**
 - **possession of illegal drugs, dangerous drugs, counterfeit drugs or alcohol, drug paraphernalia or a substance which the individual believes or represents to be such drugs or alcohol, at school or at school functions;**
 - **use of illegal drugs, dangerous drugs, counterfeit drugs or alcohol, drug paraphernalia or a substance which the individual believes or represents to be such drugs or alcohol, at school or while attending school functions;**
 - **sale or other distribution of illegal drugs, alcohol or counterfeit drugs, or a substance which the individual believes or represents to be such drugs or alcohol, at school or while at school functions.**
 - **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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).**
 - **Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.**

- Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
- Selling, using, possessing or distributing obscene material.

Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, he/she shall be subject to ejection and/or arrest.
- If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by §3214 of the Education Law and the student Code of Conduct.
- If a faculty member, he/she shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, he/she shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, he/she shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

ENFORCEMENT PROGRAM (<h24>

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to

person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing, so such officer shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises, which he/she occupies in such violation and shall initiate disciplinary action hereinbefore provided.

4. The Superintendent or his/her designee may request aid from the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

5. The Superintendent may permanently eject any person from school property who engages in egregious conduct, such as repeated use of profanity; threats of physical assault; assaulting another individual; use of a weapon; use of or sale of alcohol, drugs, or illegal substances, etc.

This code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

Dissemination of Code of Conduct

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

- 1) Providing a public hearing prior to Board approval.
- 2) Providing copies of a summary of the Code to all students.
- 3) Making copies of the Code available to all parents at the beginning of the school year.
- 4) Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
- 5) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 6) Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.

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.

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

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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.