

# **CODE OF CONDUCT**

*Enlarged City School District of Middletown, NY*

**Approved by the Board of Education October 17, 2019**

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# **CODE OF CONDUCT FOR THE ENLARGED CITY SCHOOL DISTRICT OF MIDDLETOWN, NY**

## **I. INTRODUCTION**

The Board of Education (Board) 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 (the "Code").

Additionally, the District disciplines students for "off-campus conduct" that affects the safety, morals, health or welfare of others within the educational system or which adversely affects the educative process. The District also has the legal authority to discipline students for off-campus speech, through electronic communication such as social media or otherwise, that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending any school function. This Code shall apply at all times, throughout the calendar year and shall not be construed to have time or date limitations as a function of the school term.

## **II. DEFINITIONS**

For purposes of this Code, the following definitions apply:

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

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

"Essential partners" are people who have a responsibility for school safety and compliance with the Code. They include students, parents, teachers, guidance counselors, administrators, the Superintendent, and the Board.

“School Bus” means every motor vehicle owned by a public or governmental agency or private school 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.

“School property” means in, on, or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

“School function” means any school-sponsored or school authorized extra-curricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

“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 Article 15 of New York’s Executive Law 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.

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s educational performance, opportunities, or benefits, or mental, emotional, or physical well-being, or reasonably causes a student to fear for his or her physical safety

“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 9-B of article 5 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.

“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression.

“Material Incident of Harassment, Bullying, and/or Discrimination” means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that: has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

“Sexual Orientation” means actual or perceived sexuality (i.e., heterosexuality, homosexuality, bisexuality, or asexuality).

This Code shall apply to all persons attending or participating in a program or activity occurring on school property or at a school function.

“Violent student” means a student of the age of 21 or under who:

1. commits an act of violence upon a teacher, administrator or other school employee;
2. commits, while on school district property, an act of violence upon another student or any other person lawfully on school district property;
3. possesses, while on school property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
5. threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
6. knowingly and intentionally damages or destroys school district property or the personal property of a teacher, administrator or other school district employee, or any person lawfully on school district property.

“Weapon” means any type of device, instrument and item such as any gun, pistol, revolver, shotgun, rifle, machine gun, BB gun, pellet gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, common pocket knife, hunting knife or fishing 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 serious physical injury or death when used with intent to cause harm. Weapon shall also be defined as required under the federal Gun-Free Schools Act and New York Education Law Section 3214, as specified in Section IX. D.1. of this Code.

“Controlled substance” means a drug or other substance identified by the federal Controlled Substances Act (defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801) and NYS penal codes. These include but are not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant, or any depressant; including analogues, designer drugs and counterfeits similar to or represented as similar to a controlled substance, whether legal or illegal.

“Illegal substances” include but are not limited to tobacco, marijuana, cocaine, ecstasy, LSD, PCP, methamphetamines, heroin, steroids, inhalable products or other chemicals or products prohibited for use by the user by NYS law, county law or US law.

“Alcoholic beverages” includes but is not limited to liquor, malt beverages, wine or other intoxicating liquid.

“Drug-related paraphernalia” includes any device or instrument that on its face is used for the production, packaging, distribution, or ingesting of a controlled substance, illegal substance or prohibited substance. This includes but is not limited to hash pipes, water pipes, clips, rolling papers, ecigarettes, vaporizers, or any other items related to drug use or drug distribution.

“Harassment” and “bullying” mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that: (a) 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 well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Cyberbullying” means harassment or bullying, as defined immediately above, including (a), (b), (c) and (d) of the above definition, where such harassment or bullying occurs through any form of electronic communication.

“Contraband” means any item prohibited in accordance with law, this Code and/or other District policies and/or administrative regulations.

### III. DIGNITY ACT FOR ALL STUDENTS

As stated in Board Policy 7554 the Middletown City School District and Board of Education recognize that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student’s ability to learn and achieve high academic standards, and a school’s ability to educate students, is compromised by incidents of harassment, bullying and discrimination. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of harassment, bullying and discrimination and will foster civility (in accordance with Board Policy 8242) in the schools to prevent and prohibit conduct which is inconsistent with the District’s educational mission.

The Schools and Board of Education condemn all forms of harassment, bullying and discrimination. No student shall be subjected to harassment, bullying and/or discrimination by employees or students on school property or at a school function (or off school property, as set forth in this policy, to the extent consistent with applicable law); nor shall any student be subjected to harassment, bullying and/or discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. However, this shall not be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Section 3201-a or Section 2854(2)(a) of the New York Education Law and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), nor shall this be construed to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

#### A. DAC Coordinator

“Dignity Act Coordinators” refers to one or more staff members in each school, appointed by the Board of Education, who are thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The Dignity Act Coordinators designated by the District’s Board of Education are listed on the District’s Website and are included in **Appendix A** to this Code. You may also contact the applicable Dignity Act Coordinator for each school building at the following phone numbers:

Middletown High School 845-326-1600  
Monhagen Middle School 845-326-1700  
Twin Towers Middle School 845-326-1650  
Maple Hill Elementary School 845-326-1740



Presidential Park Elementary 845-326-1850  
Truman Moon Elementary 845-326-1780  
William A. Carter Elementary 845-326-1711

**B. Reporting Known and/or Suspected Harassment, Bullying and/or Discrimination**

Any student who believes that s/he is being subjected to harassment, bullying or discrimination or who witnesses harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination orally or in writing to any school employee or to the designated Dignity Act Coordinator for the student's school building. School employees at all levels are responsible for reporting harassment, bullying and discrimination of which they are aware. Any school employee who is assigned to and regularly works within a particular school building who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the designated Dignity Act Coordinator for his or her school building not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the designated Dignity Act Coordinator not later than two school days after making such oral report. All other school employees who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination shall promptly orally notify either their immediate supervisor, who in turn shall notify the designated Dignity Act Coordinator for the supervisor's school building (if applicable), or the Superintendent of Schools, not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the same person to whom the oral report was made not later than two school days after making such oral report.

**C. Investigating and Responding to Complaints and Reports of Harassment, Bullying and Discrimination**

The Dignity Act Coordinator to whom a report is made, or the Superintendent (if the report is made directly to the Superintendent by school staff who are not assigned to a particular school building) shall lead or supervise the investigation and ensure that the investigation is completed promptly after receipt of the report. Investigation of allegations of harassment, bullying and discrimination will be conducted in accordance with applicable District policies and administrative regulations. When an investigation verifies that a material incident of harassment, bullying or discrimination occurred, the Dignity Act Coordinator or Superintendent (as applicable) shall take prompt action, or cause prompt action to be taken, consistent with this Code and other applicable District policies and procedures, that is reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the

student or students against whom such harassment, bullying or discrimination was directed. Whenever a Dignity Act Coordinator or the Superintendent (as applicable) believes that any harassment, bullying or discrimination may constitute criminal conduct, he or she also shall promptly notify the appropriate local law enforcement agency. In addition, the Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by the Superintendent.

#### **D. Retaliation Strictly Prohibited/ Immunity from Liability**

The Board prohibits retaliatory behavior directed at any such person having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school property or at a school function (or off school property, as set forth in this Policy), who acting reasonably and in good faith, either: 1) reports such harassment, bullying or discrimination to: a) school officials, b) the Commissioner of Education, or c) law enforcement authorities; or 2) initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination.

In addition, all such persons shall have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that the harassment, bullying or discrimination has not continued or resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

#### **E. Reporting “Material Incidents” of Harassment, Bullying and/or Discrimination**

The District will annually report “material incidents” of harassment, bullying, and/or discrimination which occurred during the school year, to the State Education Department, in the manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

**For purposes of reporting, the District shall include in its annual report all material incidents of harassment, bullying and/or discrimination that:**

1. Are the result of the investigation of a written or oral complaint made to the District’s Dignity Act Coordinators or Superintendent, or their designee(s), or to any other school employee; or 2) Are otherwise directly observed by such Dignity Act Coordinator or Superintendent, or their designee(s), or by any other employee

regardless of whether a complaint is made. Such report shall include information describing the specific nature of the incident, including, but not limited to:

- the type(s) bias or biases involved (e.g., whether the harassment, bullying or discrimination was based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex);
- whether the incident resulted from student and/or employee conduct;
- whether the incident involved physical contact and/or threats, intimidation or abuse(including cyberbullying, as set forth in this policy and applicable law);
- the location(s) where the harassment, bullying or discrimination occurred (on school property or at a school function, or off school property, where applicable).

## **F. Disciplinary Consequences**

Consequences for a student who is found to have committed an act of harassment, bullying and/or discrimination shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, the student's discipline record, and in accordance with this Code.

**1. Remedial Disciplinary Consequences.** In addition to any other disciplinary consequences set forth in this Code, the Board and District are committed to implementing remedial responses to harassment, bullying and/or discrimination that are aimed at addressing the root causes of the harassment, bullying and/or discrimination and correcting and preventing the recurrence of the problem behavior. Appropriate remedial consequences may include, but are not limited to:

- a. peer support groups;
- b. corrective instruction or other relevant learning or service experience;
- c. supportive intervention;
- d. behavioral assessment/evaluation;
- e. behavioral management plans, with goals for improvement that are closely monitored;
- f. student counseling and parent conferences.

**2. Environmental Remediation.** In addition to imposing appropriate disciplinary consequences and remedial efforts aimed at addressing harassment, bullying and/or discrimination committed by particular students, building-wide and/or school-wide environmental remediation can be an important tool to prevent harassment, bullying and discrimination. Environmental remediation strategies may include, but are not limited to the following:

- a. supervisory systems which empower school staff with prevention and intervention tools to address incidents of harassment, bullying and discrimination;
- b. school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- c. adoption of research based systemic harassment, bullying and discrimination prevention programs;
- d. modification of schedules;
- e. adjustment in hallway traffic and other student routes of travel;
- f. targeted use of monitors;
- g. staff professional development;
- h. parent conferences;
- i. involvement of parent-teacher organizations; and peer support groups.

#### **IV. BILL OF STUDENT RIGHTS AND RESPONSIBILITIES**

##### **A. BILL OF 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. attend a safe, healthy, orderly, respectful, and civil school environment, including the right to be protected from harassment, bullying and discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. access available programs and/or mechanisms to address behaviors that may lead to disciplinary problems.

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. BILL OF STUDENT RESPONSIBILITIES**

In order to be a good citizen, 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. refrain from engaging in harassment, bullying and/or discrimination and report and encourage others to report incidents of harassment, bullying and/or discrimination.
3. be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
4. attend school every day (unless they are legally excused) and be in class, on time, and prepared to learn.
5. work to the best of their ability in all academic and extra-curricular pursuits and strive toward their highest level of achievement possible.
6. comply to directions given by teachers, administrators and other school personnel in a respectful manner.
7. work to develop mechanisms to control their anger.
8. ask questions when they do not understand.
9. seek help in solving problems that might lead to discipline.
10. dress appropriately for school and school functions.
11. be accountable for their actions.
12. appropriately use the various computerized information resources offered to them through the District's computer system ("DCS") consisting of software, hardware, computer networks and electronic communications systems as stated in District Policy 7314R.

13. conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

**V. 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. provide written documentation for all excused absences as detailed in District Policy 7010.
6. have their children dressed and groomed in a manner consistent with the student Dress Code.
7. help their children understand that, in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
8. know school rules and help their children understand them.
9. convey to their children a supportive attitude toward education and the District.
10. Build positive relationships with teachers, other parents, and their children's peers.
11. help their children deal effectively with peer pressure.
12. inform school officials of changes in the home situation that may affect student conduct or performance.
13. provide a place for study and ensure homework assignments are completed.
14. attend parent-teacher conferences.

15. provide up-to-date emergency contact information.
16. present proper personal identification upon entering any school District building and upon request by school District personnel.
17. teach their children respect for other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
18. ensure their children will appropriately use the various computerized information resources offered to them through the District's computer system ("DCS") consisting of software, hardware, computer networks and electronic communications systems as stated in District Policy No. 7314 and the accompanying administrative regulation No. 7314R.

## **B. TEACHERS**

All District teachers are expected to:

1. maintain a climate of mutual respect and dignity, for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. be prepared to teach.
3. demonstrate interest in teaching and concern for student achievement.
4. know school policies and rules, and enforce them in a fair and consistent manner.
5. communicate to students and parents:
  - a. course objectives and requirements
  - b. marking/grading procedures
  - c. assignment deadlines
  - d. expectations for students
  - e. classroom discipline plan
  - f. individual student growth and achievement at regular intervals
6. report incidents of harassment, bullying or discrimination that are witnessed or otherwise brought to the teacher's attention to the designated Dignity Act Coordinator (DAC) in accordance with this Code.

### **C. GUIDANCE COUNSELORS**

All District guidance counselors are expected to:

1. assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. participate in teacher/student conferences and parent/teacher/student conferences, as necessary, to address issues or concerns.
3. regularly review with students their educational progress.
4. provide information to assist students with career planning.
5. encourage students to benefit from the curriculum and extra-curricular programs.
6. 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 or sex.
7. report incidents of harassment, bullying or discrimination that are witnessed or otherwise brought to the counselor's attention to the designated Dignity Act Coordinator (DAC) in accordance with this Code.

### **D. BUILDING AND DISTRICT ADMINISTRATORS**

All building and District administrators are expected, where applicable, to:

1. promote a safe, orderly and stimulating school environment supportive of active teaching and learning.
2. ensure that students and staff have the opportunity to communicate regularly with administration, and to approach administration to resolve issues and concerns.
3. evaluate on a regular basis all instructional programs.
4. support the development of and student participation in appropriate extra-curricular activities.
5. enforce this Code and ensure that all cases are resolved promptly and fairly.
6. 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 or sex.

7. report and/or investigate (as applicable) incidents of harassment, bullying or discrimination that are witnessed or otherwise brought to the administrator's attention, in accordance with this Code.

## **E. SUPERINTENDENT**

The Superintendent of Schools is expected to:

1. promote a safe, orderly and stimulating school environment, free from harassment, bullying and discrimination, that is supportive of active teaching and learning.
2. review with District administrators the policies of the Board, and state and federal laws, relating to school operations and management.
3. inform the Board about educational trends relating to student discipline.
4. facilitate development of instructional programs that minimize the underlying causes of misconduct and are sensitive to student and teacher needs.
5. work with District administrators in enforcing this Code and ensuring that all cases are resolved promptly and fairly.

## **F. ALL OTHER SCHOOL EMPLOYEES**

All school employees are expected to:

1. follow this Code; know, abide by and enforce school rules in a fair and consistent manner.
2. set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. assist in promoting a safe, orderly and stimulating school environment.
4. maintain confidentiality about all personal information and educational records concerning students and their families.
5. 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 or sex.

6. report to the designated Dignity Act Coordinator (DAC), in accordance with this Code, incidents of harassment, bullying or discrimination that are witnessed or otherwise brought to the employee's attention.

#### **G. DIGNITY ACT COORDINATORS (DACs)**

The role of the DACs includes, but is not necessarily limited to the following:

1. lead or supervise a thorough investigation into reports of harassment, bullying and discrimination, in accordance with this Code and other applicable District Policies;
2. take or cause prompt actions to be taken that are reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed in accordance with this Code and the District's Policies; and
3. promptly notify the appropriate local law enforcement agency when the DAC believes that any harassment, bullying or discrimination constitutes criminal conduct.

#### **H. BOARD OF EDUCATION**

Members of the Board of Education are expected to:

1. collaborate with all constituent groups within the school District (student, teacher, administrator, parent, school safety personnel and other school personnel) to develop this Code so as to clearly define expectations for the conduct of students, District personnel and visitors.
2. annually review this Code and adopt revisions to the Code as needed.
3. lead by example by conducting board meetings in a professional, respectful, and courteous manner.
4. appoint a Dignity Act Coordinator in each school building who shall 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 or sex.

#### **VI. 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

primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should reinforce acceptable student dress and adherence to the Dress Code.

A student's dress, grooming, and appearance shall follow, but not necessarily be limited to, the following guidelines. All District students are expected to:

1. dress in a manner that is safe, appropriate and not disruptive to the educational process.
2. not wear extremely brief and/or see-through garments. Clothing including (but not limited to) tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), bare midriff, short shorts, low-rise jeans, or any other garments that are extremely revealing are not appropriate.
3. ensure that undergarments are completely covered with outer clothing.
4. not wear pajamas to school.
5. wear footwear at all times. Footwear that is a safety hazard will not be allowed.
6. not wear hats or headwear in the school except for a medical or religious purpose.
7. not wear items that are vulgar, obscene, sexual, libelous, or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation gender or sex.
8. not wear items that promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
9. not wear dangerous jewelry with pointed studs or long pocket chains.
10. not wear jewelry during activities that may result in physical injury.
11. not wear bandanas, sashes, pocket hanging cloths, beads, or any other accessory deemed by administration to be gang related.

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. Students and their parents will be notified of any revisions made to the Dress Code 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 and practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including suspension.

## **VII. PROHIBITED STUDENT CONDUCT**

The Board expects 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 specific and clear. The rules of conduct listed below are intended to do that and to 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. Upon receipt of a referral, the administrator will determine specific school action based on a consideration of the student's age, the specific circumstances, frequency of occurrence, prior incidents and interventions, information from other sources, extenuating circumstances and this Code.

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

### **A. Engage in conduct that is disorderly.**

Examples of disorderly conduct include, but are not necessarily limited to:

1. running in hallways.
2. making unreasonable noise.
3. using language or gestures that are profane, lewd, vulgar, or abusive.
4. engaging in any willful act that disrupts the normal operation of the school community.

5. trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
6. loitering on school or private property.
7. parking in unauthorized areas.
8. obstructing vehicular traffic.
9. obstructing pedestrian traffic.

**B. Engage in conduct that is insubordinate.** Examples of insubordinate conduct include, but are not necessarily limited to:

1. lateness to class.
2. lateness for school.
3. class cutting.
4. skipping detention.
5. presence in unauthorized area.
6. leaving school without permission.
7. truancy.
8. possession and or use of contraband.
9. failure to comply with the dress code or any other school policy.
10. failure to comply with the lawful and reasonable directions of any staff member.
11. defiance of a staff member's lawful and reasonable directive.
12. demonstrating disrespect towards any staff member.
13. interfering with classroom instruction in any way.

**C. Engage in conduct that is violent.** Examples of violent conduct include, but are not necessarily limited to:

1. willfully damaging, defacing, or destroying the personal property of any individual lawfully on school property.

2. willfully damaging, defacing, or destroying school District property.
3. committing an act of violence (such as but not limited to hitting, kicking, spitting, punching, scratching, and/or threatening) upon any person lawfully on school property.
4. possessing a weapon on school property or at a school sponsored event (see Code definitions).
5. displaying what appears to be a weapon.
6. threatening to use violence, a weapon or any other instrument for a violent purpose.
7. complicity to commit arson.
8. sexual assault.
9. use of a weapon or any other instrument for a violent purpose.

**D. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Dangerous conduct is strictly prohibited on or around school property, during school-sponsored events on school property or at a school function. The District also reserves the right to discipline students for “off-campus conduct” (i.e., conduct that occurs off school property) which endangers the safety, morals, health or welfare of others within the educational system or which adversely affects the educative process. In addition, the District has the legal authority to discipline students for off-campus speech that actually causes, or is reasonably forecast as being likely to cause a material and substantial disruption to the work and/or discipline of the school.

Examples of such conduct include, but are not necessarily limited to:

1. misleading and/or lying to school personnel.
2. stealing school property and/or the property of others.
3. defamation.
4. discrimination.
5. harassment.
6. bullying, intimidation, or coercion.
7. Hazing (as set forth in District Policy No. 7553).

8. act of sexual harassment as defined in the District's sexual harassment policy.
9. use of vulgar or abusive language directed at any person lawfully on school property or at a school function.
10. possession, exchanging, distribution, selling or use of lewd and/or obscene material.
11. using or possessing any device containing tobacco such as a cigarette, ecigarette, cigar, pipe, or using chewing or smokeless tobacco.
12. using a vaporizer for any other purpose than medically specified in a prescription under the supervision of a school nurse as specified in BOE Policy 7513.
13. possessing, consuming, selling, distributing or exchanging alcoholic beverages, controlled substances, or illegal substances, or being under the influence.
14. inappropriately using, sharing, or selling over-the-counter or prescription drugs.
15. possession of drug-related paraphernalia, including hash pipes, water pipes, clips, rolling papers, or any other items related to drug use.
16. gambling and/or the use of gambling for money, services, or other materials as a means of exploitation.
17. indecent exposure.
18. initiating a report warning of fire (i.e. pulling alarm) or other catastrophe without valid cause; misuse of 911; discharging a fire extinguisher; sabotaging, disabling, or destroying security devices.
19. creating an unsafe situation.
20. inciting a riot.
21. open flame – unauthorized use of a lighter, match, etc.
22. possession, exchanging, distribution, selling, or use of fireworks or other incendiary items on school property or at school functions.
23. use or possession of counterfeit items.
24. inappropriate/unsupervised use of laser pointers or similar devices.

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

It is crucial for students to behave appropriately while riding on District school buses, to ensure their safety and that of other passengers. Students on the bus are required to conduct themselves in a manner consistent with this Code. When students are not on school property or after they exit a bus, students are expected to conduct themselves in accordance with this Code.

Examples of bus misconduct include, but are not necessarily limited to:

1. excessive noise, rude, annoying conduct.
2. improper boarding or departure procedures.
3. foul language or gesture.
4. spitting, littering.
5. eating, drinking.
6. hanging out of window.
7. failure to remain seated.
8. pushing, tripping, kicking, fighting.
9. any action deemed to interfere with the orderly operation and safety of the bus by the driver or other supervisor.
10. misbehavior while waiting for or after exiting a bus when not on school property.
11. any action that distracts the driver.
12. all other applicable offenses identified in this Code.
13. throwing objects inside or outside of a bus.
14. insubordination/refusing to obey the driver.
15. lighting matches/smoking on the bus.
16. destruction of property.
17. tampering with bus equipment.

**F. Engage in any form of academic misconduct.**



Students must maintain the highest standard of honesty in their schoolwork. They shall accept all responsibility for their honesty and ethics in the completion of all academic assignments required in any course of study. Students must properly format and document all academic materials and must use such format and documentary technology to identify any words that are not their own in their student reports, compositions and other written assignments which bear their name.

If students fail to meet the responsibility for academic integrity, they subject themselves to possible sanctions such as grade reduction, test failure, disqualification of an exam, course failure, removal from the course, and/or suspension.

Examples of academic misconduct include, but are not necessarily limited to:

1. plagiarism.
2. cheating.
3. body language or gestures to communicate responses.
4. wrongful possession or use of academic material.
5. forgery or alteration of academic material.
6. theft and/or destruction of academic material or records.
7. use of any electronic device that would compromise academic integrity.
8. intentional alteration of materials or records.

**G. Engage in any conduct that constitutes misuse or unauthorized use of electronic equipment and/or that otherwise violates District policy pertaining to the use of computers and/or other electronic equipment and/or devices.**

1. Violations of Board Policy 7314 Misuse of the District's Computer System ("DCS") and/or other electronic communications, including but not limited to:
  - a. any unauthorized use of computers, software, or Internet/intranet account;
  - b. accessing inappropriate websites;
  - c. or any other violation of the District's Acceptable Use Policy No. 7134 is strictly prohibited. Standards and expectation for student conduct include but are not limited to the following:
    - Generally, the same standards of acceptable student conduct that apply to any school activity also apply to use of the DCS. Neither the District's

Acceptable Use Policy No. 7134 nor this Code attempt to articulate all required and/or acceptable uses and/or misuses and/or unauthorized uses of the DCS.

- Students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.
- Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and this Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents of any student who willfully, maliciously or unlawfully damages or destroys District property, as for example, pursuant to New York's General Obligations Law Section 3-112.
- Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be District property, subject to control and inspection. The Director of Technology and other authorized school officials may access all such files and communications without prior notice, to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the DCS will be private.

**2. Middletown Board Policy 8271 The Children's Internet Protection Act: Internet Content Filtering/Safety Policy.**

In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District, and student violations of such policies may result in disciplinary action.

The District has adopted and will enforce the Internet Filtering Safety Policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the internet) on all District computers with internet access. The District "blocks" or "filters" internet access for both minors and adults to visual depictions that are obscene, child pornography, or deemed "harmful to minors" in accordance with the Children's Internet Protection Act (CIPA). Appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will be enforced to ensure the safety of students when accessing the internet. The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school

official(s). It is acknowledged that the determination of such “inappropriate” material may vary depending upon the circumstances of the situation and the age of the students involved in online research. Furthermore, in accordance with law, the District’s Director of Technology and other authorized school officials may access all staff and student files, e-mail, and electronic storage areas to ensure system integrity and that all users are complying with the requirements of CIPA and District policy and procedures. Legal action may also be initiated as deemed necessary by the Superintendent or designee.

**3.** Race to the Top District (RTTT - D) Chromebook Guide – Please refer to full Guide and Chromebook Agreement attached to **Appendix B** at the back of this Code. The policies, procedures, and information outlined in **Appendix B** apply to all Chromebooks provided to students through the RTTT-D Grant. The District’s policies and requirements for use of its Chromebooks include but are not limited to the following:

**Program Goal:** The Chromebooks were purchased with funds received from the Race to the Top Grant awarded to the District from the U.S. Department of Education. The goal of this initiative is to create a seamless and dynamic educational experience for students that assures they develop the skills and knowledge necessary to responsibly navigate the world of emerging technology.

**Digital Citizenship:** District issued Chromebooks should be used for educational purposes. At all times, both on and off campus, students are expected to follow the District’s Acceptable Use Policy as well the related policies and procedures within this Chromebook Guide.

Using Chromebooks requires students to work collaboratively in a digital environment. Students must always conduct themselves as a good digital citizen by adhering to the following:

- *Respect Yourself* – Show respect through your actions. When creating accounts and online names, be appropriate. Use caution with the information, images, and other media that you keep on your Chromebook. Think carefully about the personal information that you share about yourself online.
- *Protect Yourself* – You are responsible for the information, images, and materials posted online from your account or present on your Chromebook. Be careful to not put yourself at risk by publishing personal details, contact information, or personal activity schedules. Immediately report any inappropriate behavior directed at you while online. Protect your passwords, accounts, and resources by never sharing this information with others.
- *Respect Others* – Do not use the Chromebook to antagonize, bully, harass, or stalk people.

- *Protect Others* – Report known/suspected abuse. Do not participate in forwarding/sharing inappropriate materials or communication. Avoid unacceptable materials and communication.
- *Respect Intellectual Property* – Request permission when using copyrighted and other protected material. Be sure to use proper citations when using websites, online books, media, etc.
- *Protect Intellectual Property* – Do not use pirated software or distribute music or media in a manner that violated license agreement.

### **VIII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT THAT CONSTITUTE A CRIME**

Any student who observes another student in possession of a weapon, alcohol, or illegal substance on or off school property or at a school function shall report this information immediately to *any school personnel, such as* a building security aide, a teacher, a School Resource Officer (SRO), a building administrator or the Superintendent. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The building administrator or designee must notify the appropriate local law enforcement agency of those Code violations which are known to constitute a crime or reasonably believed to constitute a crime and which substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the building administrator or designee learns of the violation. The notification may be made by telephone, followed by written documentation. The notification must identify the student(s) and explain the conduct that violated this Code and that is known or believed to have constituted a crime.

### **IX. DISCIPLINARY PROCEDURES, PENALTIES AND REMEDIAL CONSEQUENCES**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing and improving student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.

2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Individual Management Plans
7. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lesser penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior that is a manifestation of his/her disability, except as authorized by law.

#### **A. PENALTIES**

Students who are found to have violated this Code may be subject to the following penalties, either alone or in combination with one another.

- Referral to support personnel.
- Loss of privilege(s).
- Loss of parking permit.
- Detention.
- Parental notification, written or verbal, and/or conference.
- Suspension from extra-curricular activities.
- Suspension from transportation services.
- In-school suspension.
- Short-term suspension (five days or less) out of school.
- Superintendent's hearing, followed by long-term suspension (more than five days) out of school by Superintendent, Board of Education.
- Permanent suspension from school by Superintendent, Board of Education.

- Police notification.
- Confiscation of contraband item.
- Restitution for damages.

**Administrative action will be consistent with the student's right to due process.**

## **B. REMEDIAL CONSEQUENCES**

- peer support groups
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed
- supportive intervention and/or mediation where constructive conflict resolution is modeled
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored.
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

## **C. PROCEDURES**

In accordance with a student's right to due process in all cases requiring administrative action, the student and the parent will be informed of the alleged misconduct, and the circumstances surrounding the alleged misconduct will be investigated. All students will have an opportunity to present their version of the facts prior to the administration of any consequences.

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### **1. After-school Detention**

Teachers and building administrators may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

## **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building administrator or the Superintendent. In such cases the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education as appropriate.

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 building administrator 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(s) will be provided with a reasonable opportunity for an informal conference with the official imposing the suspension to discuss the conduct and the penalty involved.

## **4. In-school Suspension**

The Board recognizes that the school must balance the need of students to attend school with the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building administrators and the Superintendent to place students who would otherwise be suspended from school as the result of a violation of this Code in in-school suspension. In-school suspension is the temporary removal of students from the classroom to another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the official imposing the in-school suspension to discuss the conduct and the penalty involved.

## **5. Teacher Removal of Disruptive Students**

A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. It may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

Step 1 – A classroom teacher may remove a student from his or her class for up to two days if the teacher determines that the student is disruptive.

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

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. The teacher is responsible for providing the student with any academic work missed during the period of removal.

Step 2 – The teacher must complete a District-established referral form and meet with the building administrator as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the building administrator is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the administrator prior to the beginning of classes on the next school day.

Step 3 – Within one school day after the student's removal from class by the teacher, the building administrator, must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the building administrator (or the teacher if so designated by the administrator) to discuss the reasons for the removal (and at the discretion of the principal, to discuss behavior modification strategies to remedy the cause for the removal). The building administrator may require the teacher who ordered the removal to attend the informal conference.

Step 4 – If at the informal meeting the student denies the charges, the building administrator or teacher must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and building administrator.



## **Overturing Teacher Removal of Disruptive Students**

The building administrator may overturn the removal of the student from class if he/she finds any of the following:

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

The building administrator must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the administrator makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, the removal may be rescinded prior to the expiration of the full period of removal. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from his/her class. The building administrator must keep a log of all removals 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 building administrator or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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

### **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 building principals.

Any staff member may recommend to the Superintendent or Principal that a student be suspended. All staff members must immediately report and refer a violent student to a building administrator or the Superintendent for a violation of this Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation if necessary.

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

When the Superintendent or Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must first 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 parent(s), in writing, of the proposed suspension 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 parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent(s).

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent(s) of the right to request an immediate informal conference with the Principal and the right to question the complaining witness(es) against their child. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s). At the conference, the parent(s) shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. The notice and the 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 danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension begins as is reasonably practicable (in every case before the period of suspension has been fully served).

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

When the Superintendent or building 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 parent(s) of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question the District's witnesses and to challenge the District's other evidence against him or her, and the right to present witnesses and other evidence on his or her behalf.

The Superintendent may personally conduct the hearing, or the Superintendent may 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. 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.

An appeal of the decision of the Superintendent may be made to the Board of Education, which shall make its decision based solely on the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision, unless the parent(s) 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 Board's decision.

## **c. Permanent Suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a substantial danger to the safety and well-being of other students, school personnel or other persons.

## **D. MINIMUM PERIODS OF SUSPENSION**

### **1. Students with weapons and/or firearms at school**

The District complies with the requirements of the Federal Gun-Free Schools Act of 1994 (20 U.S.C. §8921).

For purposes of this Section of the Code, the terms "firearm" shall be defined as in 18 U.S.C. §921(a) as follows:

"*Firearm*" means (A) any weapon (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; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Except as otherwise provided by law and this Code and subject to Section XI of this Code, any student who is found guilty of bringing a *firearm* or *weapon* to school or possessing a *firearm* or *weapon* at school, shall be suspended for a period of not less than one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214, to determine the student's guilt or innocence. 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 to the County Attorney (or other county presentment agency, as applicable) any student under the age of 16 who is found to have brought a *firearm* to school, except a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law. In addition, the Superintendent shall refer any pupil 16 years of age or older or a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law, who has been determined to have brought a *firearm* or *weapon* to school, to the appropriate law enforcement officials.

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 or firearm to school.**

Subject to Section XI of this Code, any student who is found to have committed a violent act, other than bringing a weapon or firearm onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent(s) will be given the same notice and opportunity for an informal conference with the Principal that is 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(s) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent or his/her designee 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 interfere with the teacher's authority over the classroom.**

Subject to Section XI of this Code, any student who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code, "repeatedly substantially disruptive" means engaging in conduct that results in a student's suspension and/or removal from classes (pursuant to Education Law section §3214 [3-a] and this Code) on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent(s) 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(s) 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.

**X. ALTERNATIVE INSTRUCTION**

When a student is suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes. Although the alternative instruction need not match in every respect the instructional program previously offered to the student, it must be substantially equivalent.

**XI. 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 are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

**A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES**

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

“Removal” means a removal from a student’s educational placement for disciplinary reasons, other than suspension.

“Suspension” means exclusion from school as a disciplinary consequence.

“Interim Alternative Educational Setting” (“IAES”) means a temporary educational placement, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred 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:

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

**Suspensions**

Subject to the requirements of Education Law § 3214:

The Superintendent or a Building Principal may suspend a student for a period not to exceed five consecutive school days, provided such suspension in combination with others does not constitute a disciplinary change in placement, and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The Superintendent may suspend a student more than five consecutive days, provided such suspension in combination with others does not constitute a disciplinary change in placement, and inclusive of any period in which the student has been suspended under the paragraph above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

**Non-disciplinary referrals to an IAES**

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 school days, if the student carries or possesses weapons, uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school or on school premises (20 USC §1415).

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

## **B. CHANGE OF PLACEMENT RULE**

A disciplinary change in placement means a Suspension or Removal from a student's current education placement that is either:

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

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the Manifestation Team has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the student has inflicted serious bodily injury upon another person while at school or on school premises.

## **C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES**

The District's Committee on Special Education shall 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.

Prior to the issuance of discipline, the District's Manifestation Team shall conduct a Manifestation Determination Review of the relationship between the student's disability and behavior subject to disciplinary action whenever a decision is made to suspend or remove a student where such Suspension or Removal potentially could constitute a disciplinary change in placement or where there is a determination to make a non-disciplinary referral to an IAES . The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten days or for a period that would result in a disciplinary change in placement unless the CSE has determined that the behavior is not a manifestation of the student's disability.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The Superintendent or building principal shall be responsible for determining whether the student is a student presumed to have a disability.

A student will not be presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

1. conducted an individual evaluation and determined that the student is not a student with a disability, or
2. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.



If there is no basis for knowledge that the student has a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

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

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

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

#### **D. EXPEDITED DUE PROCESS HEARINGS**

An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

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

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

3. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending

the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

4. If the school personnel propose to change the student's placement after the expiration of a proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

5. An expedited due process hearing shall be completed within 15 days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (34 CFR §300.535).

#### **F. PERSONS IN NEED OF SUPERVISION (PINS) PETITIONS**

Where a student with a disability is not attending school or is ungovernable/incorrigible, the Department of Probation requires that the District conduct a manifestation determination review to determine whether the student's behavior is intentional and ongoing and not related to the student's disability before referring the matter for petition (9 N.Y.C.R.R. Part 357).

#### **XII. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be reasonably 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 act.

The District will file written reports with the Commissioner of Education about the use of corporal punishment, in accordance with the Commissioner's regulations.

### **XIII. STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes school officials (including but not necessarily limited to the Superintendent, building administrators, school nurses and building security aides) to conduct searches of students and their belongings if the authorized school official has "reasonable suspicion" to believe that the search will result in evidence that the student violated the law, this Code or other school rules. As long as a school official has a reasonable cause suspicion for a search, an authorized school official may conduct a search of a student's belongings, including but not limited to book bags, and vehicles parked on school property.

Ordinarily, there must be reasonable suspicion to believe that the search of a particular student will turn up evidence that the particular student is violating the law or school rules. However, "individualized" suspicion is not required in every case before school officials can search students.

The need to search a student or student's belongings is determined by balancing the District's legitimate justification to conduct the search against the student's or students' *expectation of privacy* in the area to be searched. Every search must be:

1. "*Justified at its Inception*" – meaning that there must be "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school;" **and**

2. “*Permissible in Scope*” – meaning that the search measures used must be “reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.”

An authorized school official may search a student or the student’s belongings based upon information received from a reliable source. Individuals other than District employees will be considered reliable informants if they have previously supplied information that was found to be accurate, if they make an admission against self-interest, if they provide the same information that is received independently from other sources, or if they appear to be credible and the information they are communicating relates to an immediate threat to safety.

District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

**A. STUDENT LOCKERS, DESKS, SCHOOL ISSUED ELECTRONIC DEVICES, CLOUD STORAGE AND OTHER SCHOOL STORAGE PLACES**

Students have no reasonable expectation of privacy with respect to the above locations; school officials retain complete control over them. This means that student lockers, desks, school issued electronic devices, Cloud storage, and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**B. STRIP SEARCHES**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than a jacket or other similar “outer” clothing. **If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney!** The only exception to this rule requiring advance authorization is when the school official reasonably believes there is an emergency situation that could presents an imminent and grave threat to the life, health or safety of the student or others if the strip search is not conduct without delay.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another District professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have reasonable suspicion to believe the student is concealing, in intimate places, contraband in violation of law, this Code or other school rules, that poses an immediate or imminent risk of danger in terms of its power or quantity. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

### **C. CELL PHONE SEARCHES**

Generally, the same rules that apply to other types of searches apply to cell phone searches. However, that courts consider searches of the contents of cell phones to be distinctly different from other types of searches in some respects, due to the nature and extent of sensitive personal information that is often stored within cell phones. Moreover, a student's mere use of a cell phone on school property, or at a school function, does not trigger an unlimited right for school officials to search the contents of the student's cell phone. As with other types of searches in the school setting, the search of a student's cell phone must be *justified at its inception* and *reasonable in scope*.

This means that the search of any student's cell phone should be initiated, if at all, only if school officials can articulate why there is reasonable suspicion to believe that a searching a student's cell phone on a particular day, at a particular time, will turn up evidence of a violation of school rules and/or the law. In other words, the search must be reasonably related to facts and circumstances as they are unfolding, not a fishing expedition. Typically, but not always, this will mean that the cell phone search should be conducted contemporaneously with the suspected misconduct for which the evidence is sought, not after a significant lapse in time.

In addition, when searching a student's cell phone, as with other searches, the search must be limited in scope to searching for evidence of suspected misconduct for which the search was begun in the first place. Thus, for example, if the allegation is that a particular student sent a threatening or harassing text message from his or her cell phone to another person today, the search of the student's cell phone, if conducted, should be limited to searching today's text messages. Using this example, there would be no basis to search the student's cell phone for text messages sent on other days, nor any basis to search any other aspect, feature or compartment of the student's cell

phone (absent development of further reasonable suspicion to expand the scope of the search).

#### **D. DOCUMENTATION OF SEARCHES**

The building administrator shall be responsible for promptly recording the following information about each search:

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

The building administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous item(s) taken from a student. The building administrator shall retain control of the item(s), unless the items are turned over to the police. The building administrator shall be responsible for personally delivering dangerous or illegal item(s) to police authorities.

#### **E. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS**

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

1. a search or an arrest warrant;

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 to investigate a crime that has been committed on school property or at a school function.

Before police officials are permitted to question or search any student, the building administrator shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, by the building administrator as soon thereafter as possible. The building administrator may also be present during any police questioning or search of a student on school property or at a school function.

#### **F. CHILD PROTECTIVE SERVICES INVESTIGATIONS**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will 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 the building administrator. The building administrator shall set the time and place of the interview. The building administrator 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 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.

#### **XIV. 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 a place of work and learning, however, certain limits must be set for such visits. The building administrator 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 sign in to the visitors' register, and present appropriate identification to staff. A visitor's identification badge will be issued and must be worn at all times while in the school or on school grounds. Visitors reporting to building destinations other than school offices will be escorted by school personnel with the exception of District staff while working within their professional roles. Upon leaving the building, visitors need to sign out in the visitors' register and return the identification badge.
3. Visitors attending after-school, evening, or weekend school functions that are open to the public, such as concerts or public gatherings, are not required to register.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the building administrator. 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.
7. Nothing in this Article or this Code shall be deemed to give parents or other visitors to the District's school a legal right to visit classrooms during instructional time.

#### **xv. 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.



## **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so.
2. damage or remove District property.
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, 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 a person's actual or perceived race, color, weight, national origin, ethnic group, age, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected classification or characteristic.
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, tobacco products, or be under the influence of such substances on school property or at a school function.
10. possess or use firearms or other weapons including but not limited to air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray while 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, except as authorized by law and in accordance with District policy ( e.g. authorized raffles and/or games of chance conducted by charitable organizations during non-school hours).

13. refuse to comply with any lawful 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.

## **B. PENALTIES**

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

1. Visitors' authorization, if any, to enter or 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 comply, they shall be subject to ejection and arrest.
2. Students 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, in accordance with the due process of law requirements.
3. Tenured faculty members shall be subject to immediate ejection and disciplinary action as the facts may warrant in accordance with Education Law Section 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 section 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. ENFORCEMENT**

The building administrator or designee shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other authorized District staff to take action consistent with the Code.

When the Superintendent or his/her designee observes or is informed of an individual engaging in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall

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

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **XVI. DISSEMINATION AND REVIEW**

### **A. DISSEMINATION OF THE 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, in an age-appropriate version, written in plain language at a school assembly to be held at the beginning of each school year.
2. mailing a summary of the Code 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.
3. providing all current teachers and other staff members with a copy of the complete Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. making complete copies of the complete Code available for review by students, parents, other school staff and other community members.
5. posting the complete Code on the District's internet website, including any annual updates and/or amendments to the Code.

The District will provide in-service education for District staff members to ensure effective implementation of the Code. 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 THE CODE OF CONDUCT**

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made

up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before finalizing 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.

This Code and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

# **APPENDIX A Dignity Act Coordinators by Building**

## **Elementary**

Maple Hill Elementary  
Coordinator: Matthew Kelly  
Phone Number: 845-326-1740  
Address: 491 County Route 78  
Middletown, NY 10940

Presidential Park Elementary  
Coordinator: William Trinkle  
Phone Number: 845-326-1850  
Address: 50 Roosevelt Avenue  
Middletown, NY 10940

Truman Moon Elementary  
Coordinator: Kathleen Jensen  
Phone Number: 845-326-1780  
Address: 53 Bedford Avenue  
Middletown, NY 10940

William A. Carter  
Coordinator: Lynne Ellis  
Phone Number: 845-326-1711  
Address: 435 East Main Street  
Middletown, NY 10940

## **Middle School**

Monhagen Middle School  
Coordinator: David Maffei  
Phone Number: 845-326-1700  
Address: 555 County Route 78  
Middletown, NY 10940

Twin Towers  
Coordinator: Camille Adoma  
Phone Number: 845-326-1650  
Address: 112 Grand Avenue  
Middletown, NY 10940

## **High School**

Coordinator: Adam Chagares  
Phone Number: 845-326-1600  
Address: 24 Gardner Avenue Ext.  
Middletown, NY 10940



## **APPENDIX B Enlarged City School District of Middletown** *High Expectations are Meaningless without Rich Opportunities*

### Race to the Top District (RTTT - D) Chromebook Guide

The policies, procedures, and information within this document apply to all Chromebooks provided to students through the RTTT-D Grant.

2014 - 2015

#### **Notes:**

**Program Goal** The Chromebooks were purchased with funds received from the Race to the Top Grant awarded to the District from the U.S. Department of Education. The goal of this initiative is to create a seamless and dynamic educational experience for students that assures they develop the skills and knowledge necessary to responsibly navigate the world of emerging technology.

**What is a Chromebook?** A Chromebook is a personal computer that runs Google Chrome as its operating system. The Chromebook features a large easy-to-view screen, a nearly full sized keyboard, a trackpad for navigation, a USB port, and a built in camera and microphone. It powers up quickly, connects to the Internet instantly, and has a long battery life. Since it is a web-based device, a Chromebook requires very little maintenance or technical support and there is no need to download or install any software. Files are less likely to be lost or deleted and student's work is automatically and regularly saved within the Google "cloud" storage. "Cloud" based storage allows students to access their files anytime from any Internet enabled device. In addition to "cloud" storage, each Chromebook has on device storage space which can be used to save files in the event that a student does not have Internet access at home. Any work completed offline will sync to the "cloud" next time the Chromebook is connected to the Internet.

**Receiving Your Chromebook** Chromebooks will be distributed once the student, and their parent/guardian, attend the required policy & procedure meeting, the Chromebook 101 training, and have signed the Chromebook agreement and the District's Acceptable Use Agreement.

**Protection Plan** The District suggests the purchase of an optional private protection plan, but does not endorse any one provider of such insurance.

**Withdrawing from the District** In the event you leave the Enlarged City School District of Middletown, you are required to return your district issued Chromebook to the Technology Department or your building administrator. Failure to do so may result in a delay with the registration process at your new school.

## **Chromebook Inventory Check**

Technology will periodically conduct a chromebook inventory check-in throughout the year to ensure that the correct Chromebook is assigned to the correct student.

## **Using Your Chromebook**

**At School** Students are expected to bring their fully charged Chromebook to school each day. Each teacher will have their own expectations for the use of the Chromebook in their classroom, and it is the student's responsibility to be aware of and comply with the Chromebook classroom expectations for each teacher. While using the Chromebook in the classroom, students are expected to comply to all school and classroom rules/policies. If the student leaves their Chromebook at home, they will not be provided with a loaner and are responsible for getting the work complete.

In addition to using the Chromebook in the classroom to conduct research, collaborate on projects, and complete assignments, students may be asked to use their Chromebook to access school messages, announcements, calendars, and handbooks. This will ensure that students use their device as both an academic and an organizational tool.

**At Home** A Wi-Fi Internet connection is required for the majority of Chromebook use. However, you can work offline in Google Drive to complete writing assignments/presentations. Students are encouraged to use their Chromebook at home and other locations outside of school. At times, students may be asked to complete assignments outside of class that require access to the Internet. When this is the case, and the student does not have Wi-Fi Internet connection at their home, it is the responsibility of the student to make arrangements to stay after school to use the Internet or find an alternate location that has Wi-Fi Internet. There are several locations in Middletown that include free Wi-Fi, including, but not limited to: Thrall Library, Panera Bread, McDonalds, and Starbucks. The district is not responsible for Internet connectivity outside of the secure wireless network in-district.

Regardless of the location where the Chromebook is being used or the source of the Internet connection that is being used, all students are bound by the Acceptable Use Policy of the Enlarged City School District of Middletown.

\*Note: The Chromebooks will *only* work online on a wireless network. They do not support a wired Internet connection. You do have the ability to work offline, but this option is only available after the Chromebook has had an initial online connection. It is strongly suggested that if you do not have a wireless connection at home, that you complete your initial log on to your Chromebook while on the campus of the school.

**Managing Your Files and Saving Your Work** The best way for students to save their work will be using Google Drive. This will allow the students to access their saved work on any Internet enabled device. It is possible to save files on the Chromebook's hard



drive, but this will not make them available on other devices. One of the many great features of saving work in Google Drive is that the device automatically saves as you work. Students are also encouraged to organize their Drive using folders so that files can easily be accessed.

Students are encouraged to maintain backups of important files. This can be done using a removable storage device and/or by saving work to the Chromebook's hard drive. The district will not be responsible for lost work.

**Taking Care of Your Chromebook** Students are responsible for the general care of their Chromebook. If a Chromebook gets damaged or is not working properly, this needs to be reported immediately. Each building has a designated tech support location.

### ***Minor Repairs, Maintenance Issues***

Loaner Chromebooks may be issued to students whose Chromebook is being repaired. There are a limited number of loaner Chromebooks available, so there is no guarantee that the student will be provided with a Chromebook to use while their Chromebook is being repaired. At the District's discretion, loaner Chromebooks may be limited to in school use only.

The Technology Department will attempt to replace under warranty or repair your Chromebook. Once the problem has been rectified, you will be given back your original Chromebook and your loaner will be returned to the Technology Department.

Please be aware that depending on the issue, the Chromebook may need to be restored to factory settings. The District is not responsible for any data lost during the repair process.

***Destroyed Chromebook*** If your Chromebook is destroyed beyond repair, you may be given a loaner Chromebook. At the District's discretion, loaner Chromebooks may be limited to in school use only.

***Lost or Stolen Chromebook*** Notify the building administrator immediately if your Chromebook has been lost or stolen. Once notified, technology will then "disable" your Chromebook, rendering it inoperable. This is of paramount importance because once your Chromebook is disabled other users no longer have access to use the device or view the documents/data stored within the profile. Depending on the circumstance, and availability, a loaner Chromebook may be issued. At the District's discretion, loaner Chromebooks may be limited to in school use only.

### ***General Precautions:***

- No food or drink while using the Chromebook

- Be careful when inserting and removing cords, cables, and removable storage devices
- Do not place any heavy objects on top of the Chromebook
- Do not expose the Chromebook to extreme hot or cold temperatures or direct sunlight for extended periods of time
- Do not leave your Chromebook unattended in a vehicle, as the extreme heat or coldness of the various seasons can damage them
- Always transport your Chromebook with the screen closed

**Never attempt repairs or hardware modifications**

***Charging***

- Each Chromebook will come with an AC adapter used to recharge the Chromebook
- Students are expected to recharge their Chromebook at home each night and bring it to school each day in fully charged condition
- At the teacher’s discretion, students will be able to recharge Chromebooks in the classroom. Students are responsible for taking their Chromebook and charger at the end of the period. Teachers will not be responsible for any lost/stolen student devices and/or accessories.

***Screen Care*** The Chromebook screen can be damaged if subjected to excessive pressure and/or rough treatment. Additionally, certain cleaning solvents and other liquids can cause damage. Suggestions for proper screen care are as follows:

- Be sure not to put pressure on the Chromebook cover when it is closed
- Close the Chromebook cover before transporting or storing
- Make sure there are no objects (paper/pen/pencils) left on the keyboard before closing the cover
- When cleaning the screen use ONLY a soft, dry, microfiber cloth or anti- static cloth.

**No liquids are to be used in cleaning the Chromebook**

***Asset Tags/Serial Numbers***

- All Chromebooks will be tagged with a District asset tag

- Asset tags and serial numbers may not be removed, modified, or tampered with in any way until the student has graduated from the Middletown City School District.
- Asset Tags are scanned periodically throughout the year when conducting Chromebook inventory

### ***Storing Your Chromebook***

- During school hours when students cannot monitor their Chromebook, the device should be securely stored in the student's locked locker; especially during physical education classes and while at lunch. Students are only permitted to use their Chromebook during lunch or physical education when given prior permission. If given permission by an adult to use the Chromebook during a lunch period, the student must be using it in a location other than the cafeteria.
- Chromebooks should never be stored in a vehicle
- Students are responsible for securely storing their Chromebook during extra-curricular activities
- Unsupervised Chromebooks will be confiscated and taken to school administration
- The District is not responsible for the safekeeping and protection of Chromebooks

**Cases** Each student will be provided with a Belkin carrying case for their Chromebook. This case has a compartment for the Chromebook and a separate compartment for the charger. It is expected that students store their Chromebook and charger in this case when not in use. Students may personalize their case. If a student loses or damages this case, they may purchase a replacement case from the District. The cost for the replacement case for the 2014-2015 school year is \$15.

**Software and Security** All Chromebooks are up to date with the latest version of the Google ChromeOS. The operating system will automatically install updates when the Chromebook is restarted.

The District will use a management system that can change security settings, update software, and add or remove applications. Students are prohibited from disabling, modifying, or altering management settings or content filters.

**Virus Protection** Virus protection is built into the operating system. There is no need for additional protection.

**Content Filter** All student Chromebooks, regardless of physical location (at home or at school), will be configured with a proxy that filters and restricts inappropriate web content. Any attempt to bypass, tamper with, or disable this filter to access restricted content will result in disciplinary action. Despite the filter, the District cannot guarantee

that all controversial or inappropriate materials will be blocked. **Google Apps for Education** Chromebooks easily integrate with Google Apps for Education. The available apps will include access to Google Docs, Spreadsheets, Presentations, Drawings, and Forms. All work completed within these apps are stored and saved automatically in the cloud. Offline mode for editing and creating documents may not be supported by all apps on the Chromebook.

**Chrome Web Apps and Extensions** Students will be allowed to install appropriate Chrome web apps and extensions from the Chrome Web Store. All installations are monitored by the District's management system and any inappropriate downloads will result in disciplinary action.

### **Using Your Chromebook**

**Sound** When using the Chromebook in the classroom, sound must be muted, unless permission is given by the teacher for instructional purposes.

**Printing At School** Printing directly from a Chromebook will not be available at school. When possible, teachers will assign digital assignments that students are expected to submit electronically through Google Drive or email. Printing stations will be available within schools. All printing is restricted to academic related assignments. If printing privileges are abused, they may be restricted.

**Printing At Home** Chromebooks will not support a direct printer connection. You may print to a home computer using Google Cloud Print service if you have a WiFi connection in your home. Please visit <http://support.google.com/cloudprint> for more information. The District does not provide support for setting up or troubleshooting at home printing.

**Personalizing Your Chromebook** Students may download and install appropriate applications, music, photos, and videos to their Chromebook. All downloads and installations must follow the Acceptable Use Policy of the Enlarged City School District of Middletown.

Students are permitted to personalize the cover of their Chromebook using removable skins or stickers. All skins and stickers must be school appropriate and not violate any portion of the District's Code of Conduct, and must not affect the working condition of the Chromebook. Skins and stickers may not cover the District asset tag or device serial number.

**Digital Citizenship** District issued Chromebooks should be used for educational purposes and at all times, both on and off campus, students are expected to follow the Acceptable Use Policy of the Enlarged City School District of Middletown as well the related policies and procedures within this Chromebook Guide.

Using Chromebooks requires students to work collaboratively in a digital environment. Students must always conduct themselves as a good digital citizen by adhering to the following:

- Respect Yourself – Show respect through your actions. When creating accounts and online names, be appropriate. Use caution with the information, images, and other media that you keep on your Chromebook. Think carefully about the personal information that you share about yourself online.
- Protect Yourself – You are responsible for the information, images, and materials posted online from your account or present on your Chromebook. Be careful to not put yourself at risk by publishing personal details, contact information, or personal activity schedules. Immediately report any inappropriate behavior directed at you while online. Protect your passwords, accounts, and resources by never sharing this information with others.
- Respect Others – Do not use the Chromebook to antagonize, bully, harass, or stalk people.
- Protect Others – Report known/suspected abuse. Do not participate in forwarding/sharing inappropriate materials or communication. Avoid unacceptable materials and communication.
- Respect Intellectual Property – Request permission when using copyrighted and other protected material. Be sure to use proper citations when using websites, online books, media, etc.
- Protect Intellectual Property – Do not use pirated software or distribute music or media in a manner that violated license agreement.