

# **Sag Harbor**

## **Union Free School District**

### **CODE OF CONDUCT**

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# Sag Harbor Union Free School District Code of Conduct

I.	Introduction.....	1
II.	Definitions.....	1
III.	Student Rights and Responsibilities.....	3
IV.	Essential Partners.....	4
V.	Student Dress Code.....	10
VI.	Prohibited Student Conduct.....	11
VII.	Dignity for All Students Act.....	13
VIII.	Reporting Violations.....	14
IX.	Disciplinary Penalties, Procedures & Referrals.....	15
X.	Alternative Instruction.....	20
XI.	Discipline of Students with Disabilities.....	21
XII.	Student Searches and Interrogations.....	26
XIII.	Visitors to Schools.....	28
XIV.	Public Conduct on School Property.....	29
XV.	Dissemination and Review.....	31

# Code of Conduct

## I. Introduction

The Sag Harbor 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 Sag Harbor School 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, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).

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

## II. Definitions

For purposes of this code, the following definitions apply.

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

**“Parent”** means parent, guardian or person in parental relation to a student.

**“School property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

**“School function”** means any school-sponsored extra-curricular event or activity.

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

1. Commits an act of violence upon a school employee, attempts to do so or threatens to harm the person or property of a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, hunting and recreational gun, paintball guns, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**"Smoking"** means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance, intended for inhalation, including e-cigarettes (including vaping).

**"Board"** refers to the Sag Harbor Union Free School District Board of Education unless otherwise specified.

**"Bullying"** to force one's way aggressively or by intimidation; systematically and chronically inflicting physical hurt and/or psychological distress on one or more people.

**“Harassment”** and/or **“bullying”** means 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 shall include, but not be limited to, those 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 in this Code of Conduct, where such harassment or bullying occurs through any form of electronic communication.

**"Controlled substance"** means a drug or other substance identified in certain provisions of the Federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy. “Controlled substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs”.

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

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

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

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

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

### **III. Student Rights and Responsibilities**

#### **A. Student Rights**

The Sag Harbor School District is committed to safeguarding the right of all students to a safe and quality education. The district is also committed to safeguarding the rights given to all students under New York State and federal law. In addition, in order to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning.
2. Show respect to others.
3. Show respect for the property of others.
4. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
5. Attend school every day unless they are ill or otherwise legally excused.
6. Be in class on time and prepared to learn.
7. Work to the best of their ability in all academic and extracurricular pursuits and to strive toward their highest level of achievement possible.
8. React to direction given by teachers, administrators and other school personnel in a respectful and positive manner.
9. Work to develop mechanisms to control their anger.
10. Ask questions when they do not understand.
11. Seek help in solving problems that might lead to discipline.
12. Dress appropriately for school and school functions.
13. Accept responsibility for their actions.
14. Conduct themselves as representatives of the Sag Harbor School District when participating in or attending school-sponsored co-curricular events both at home and away.
15. Conduct themselves with the highest standards of conduct, demeanor and sportsmanship at all times.

## **IV. Essential Partners**

### **A. Parents**

All parents have the responsibility 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 that absences are for legal reasons - personal illness, court appearances, medical appointments, religious requirements and death in the family.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education, the district, and school sponsored activities.
9. Build good relationships with teachers, other parents and their children's friends.
10. Attend teacher conferences, open house, curriculum nights and other functions.
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.

### **B. Teachers/Teaching Assistants**

All district teachers and teaching assistants have the responsibility to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach or assist teach in a manner consistent with the highest professional standards.
3. Demonstrate interest in teaching and demonstrate 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 management protocols
6. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
  7. Immediately report and refer a violent pupil to the principal.
  8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
  9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
  10. Perform all other duties as outlined in board policy and job descriptions.

### **C. Guidance Counselors**

All guidance counselors have the responsibility 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.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher, student, and counselor conferences and parent, teacher, student, and counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students.
10. Perform all other duties as outlined in board policy and job descriptions.

## **D. Director of Pupil Personnel Services (PPS)**

The director of pupil personnel services has the responsibility to:

1. Coordinate the services provided by guidance counselors, school social worker, school psychologists, and school nurses.
2. Coordinate interaction with psychiatric centers.
3. Coordinate school-wide testing programs.
4. Coordinate and direct district-wide Special Education program.
5. Serve as Chairman of Child Study Teams and Staffings.
6. Serve as Chairman of CSE and CPSE.
7. Conduct Pupil Personnel Hearings as an intervention prior to Superintendent's Hearings.
8. Review discipline procedures.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students.
11. Perform all other duties as outlined in board policy and job descriptions.

## **E. School Social Worker**

The school social worker has the responsibility to:

1. Make home visits.
2. Act as a liaison between students' parents and school.
3. Provide counseling services, especially for special education students.
4. Participate on the crisis intervention team, and is integrally related in the crisis intervention plan.
5. Facilitate referrals between the school and other agencies.
6. Consult with the school administration and the Committee on Special Education.
7. Report to building level administration issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Report to building level administration or address personal biases that may prevent equal treatment of all students in collaboration with building level administration.
9. Perform all other duties as outlined in board policy and job descriptions.

## **F. School Psychologist**

The school psychologist has the responsibility to:

1. Conduct psychological evaluations.
2. Provide counseling services.
3. Prepare Behavioral Intervention Plans.
4. Participate in CSE and CPSE meetings.
5. Serve as resource person for faculty and staff.
6. Report to building level administration issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Report to building level administration or address personal biases that may prevent equal treatment of all students in collaboration with building level administration.
8. Perform all other duties as outlined in board policy and job descriptions.

## **G. Principals**

All principals have the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs and school staff.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.
8. Perform other duties as outlined in board policy and job descriptions.

## **H. Assistant Principals**

The assistant principals/deans have the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the assistant principal and approach the assistant principal for redress of grievances.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
5. Assist in evaluation of instructional programs and school staff.
6. Recognize outstanding scholarship and behavior by students.
7. In consultation with the Building Principal, address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. In consultation with the Building Principal, address personal biases that may prevent equal treatment of all students.
9. Perform all other duties as outlined in board policy and job descriptions.

## **I. The Dignity Act Coordinator(s)**

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

## **J. Superintendent**

The superintendent has the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
3. Inform the board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Evaluate programs and staff.
7. Make recommendations to the board on policy matters and changes.
8. Ensure ongoing communication between the superintendent and the board of education and between parents and the board and superintendent.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students.
11. Perform all other duties as outlined in board policy and job descriptions.

## **K. Board of Education**

The board of education has the responsibility to:

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
4. Provide opportunities for regular and timely input from the public.
5. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students.
7. Perform all other duties as outlined in board policy and job descriptions.

## V. Student Dress Code

All students, administrators, teachers and staff are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. The responsibility to come to school dressed appropriately for students rests with each student, his/her parents, the building administration, faculty and staff. Students and parents have the right to determine school dress providing the attire complies with requirements for health and safety, and does not interfere with the educational process. Furthermore, it is expected that dress reflect current community standards and deportment. Clothing and attire which bear an expression or insignia which can be interpreted as obscene or libelous, which advocate racial or religious prejudice, or is disruptive, are forbidden. Examples of unacceptable school attire, although not limited to the following, include:

1. Clothing or jewelry with markings of tobacco, alcohol or drugs
2. Clothing or jewelry that convey messages of nudity, lewdness, profanity, bias, violence and/or pose a physical danger
3. Short-shorts/short skirts and/or clothing that exposes bare midriiffs and/or rear ends
4. Torn, transparent (see through), and fishnet clothing that inappropriately exposes undergarments or skin in a sexually suggestive manner
5. Pants that are worn beneath the waist or which expose undergarments
6. Gang-related clothing or paraphernalia
7. Clothing which bear expressions or insignia which are obscene, libelous or disruptive
8. Items that denigrate others on account of race, religions, creed, national origin, gender, sexual orientation or disability

The board requires students to wear appropriate protective gear in certain classes, (e.g., science, family and consumer science, technology, physical education).

In addition to the above guidelines, the school administration reserves the right to make determinations regarding appropriateness of attire on an individual basis.

The board authorizes the administration to take action in instances where individual dress does not meet the stated requirements.

## VI. Prohibited Student Conduct

All students and adults have the right to be treated in a respectful and courteous manner by other students and adults. An individual's property and public property and facilities deserve to be treated with care and respect as well.

The best discipline is self-imposed. It is the expectation of the Sag Harbor School District that everyone assume and accept responsibility for his/her behavior, as well as the consequences of his/her misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action if they:

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, personal electronic devices, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

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

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

C. Engage in conduct that is disruptive. An example of disruptive conduct includes:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.
8. Threatening an act of violence or threatening a school employee or student.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about a student or staff member that harm the reputation of the individual.
4. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
5. Harassment (or bullying), is the creation of a hostile environment by conduct or threats, intimidation, or abuse.
6. Intimidation, which includes engaging in actions or statements that put an Individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco. Using an e-cigarette or vaping device.
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.

14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. Students must wear seat belts and obey the instructions of the bus driver. Building administrators may require students to wear seatbelts.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.
  6. Forging signatures and documents.
  7. Unauthorized accessing of computer files.
- H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt, the educational process in the school or a school function. Such misconduct includes, but is not limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

## **VII. Dignity for All Students Act**

The Dignity for All Students Act requires school districts to put in place procedures for the creation of school environments free of discrimination and harassment.

Any type of harassment on school property and at school functions is prohibited. Harassment is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being. It also includes conduct, verbal threats, intimidation or abuse that reasonably cause or would reasonably be expected to cause a student to fear for his/her physical safety.

### **The Dignity for All Students Act prohibits the following:**

1. Student harassment by school employees or students on school property or at a school function. This prohibition extends to cyber bullying; verbal or written threats through any form of electronic communication such as email, chat room, discussion group, instant messaging, or social networking sites on or off school property.
2. Student discrimination by school employees or students based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

## **Reporting Discrimination or Harassment:**

Any person who has or learns of an incident of bullying, harassment or discrimination against a student should report it to the Dignity Act Coordinator of the building in which the act took place.

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment, who acts reasonably and in good faith in reporting such information or initiates informal or formal proceedings, has immunity from any civil liability that may arise. No school employee may take, request or cause retaliatory action against a person who, acting reasonably and in good faith, makes a report or initiates informal or formal proceedings.

## **Requirements of School Districts:**

1. The Sag Harbor Union Free School District is committed to creating environments that are free from discrimination and harassment.
2. A copy of the anti-bullying and harassment policy is available at your child's school.
3. Trained professionals in each building support programs to discourage discrimination and harassment. Furthermore, guidelines are designed to:
  - a. Raise awareness and sensitivity of school employees to potential discrimination or harassment
  - b. Enable employees to prevent and respond to discrimination
  - c. Support the development of non-discriminatory instructional and counseling methods
4. Members of each school's staff will be trained to handle human relations in the areas of discrimination and harassment. In the District, the team consists of the Dignity Act Coordinators, School Psychologists, Principals and other recommended staff.

If you or anyone you know has knowledge of discrimination or harassment, please contact the building principal of your child's school.

## **VIII. Reporting Violations**

To ensure the safety of all members of the school community, all students are expected to promptly report serious or potentially dangerous violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, guidance counselor, the building principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made.

## **IX. Disciplinary Penalties, Procedures, and Referrals**

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 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 effect of the offense on the safety of others and on the maintenance of the educational environment.
4. The student's prior disciplinary record.
5. The effectiveness of other forms of discipline.
6. Information from parents, teachers and/or others, as appropriate.
7. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, in the event a student's behavior is judged to be a potential health or safety threat to self or others, a more severe penalty may be imposed.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability unless otherwise approved by legal authority.

### **A. Penalties**

Students who are found to have violated the Sag Harbor District Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty. Students have due process rights which school personnel must abide by.

1. Oral warning - any member of the district staff.
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, school psychologist, school social worker, assistant principals/deans, athletic director, teachers, principal, superintendent.

3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, school psychologist, school social worker, assistant principals/deans, athletic director, teachers, principal, superintendent.
4. Detention - teachers, assistant principals/deans, director of pupil personnel services, principals, superintendent.
5. Suspension from transportation - director of transportation, director of pupil personnel services, assistant principals/deans, principal, superintendent.
6. Suspension from athletic participation -athletic director, director of pupil personnel services, assistant principals/deans, principal, superintendent.
7. Suspension from social or extracurricular activities - director of pupil personnel services, assistant principals/deans, principal, superintendent.
8. Suspension of other privileges - director of pupil personnel services, assistant principals/deans, principal, superintendent.
9. In-school suspension - director of pupil personnel services, assistant principals/deans, principal, superintendent.
10. Removal from classroom – teachers, assistant principals/deans, superintendent.
11. Short-term (five days or less) suspension from school - director of pupil personnel services, assistant principals/deans, principal, superintendent.
12. Long-term (more than five days) suspension from school - superintendent, board of education.
13. Permanent suspension from school – superintendent or board of education.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

### **1. Detention:**

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct so as to minimize loss of student time in the classroom.

### **2. Suspension From Transportation:**

Proper behavior on the bus is important for everyone's safety. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding

privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved. However, the student is not entitled to a full hearing pursuant to Education Law Section 3214.

With regard to special education students who receive special transportation and are students who are serviced within self-contained classes, the law requires that special education students cannot be suspended based upon the exhibition of behaviors related to his/her disability. Therefore, a special education student cannot be suspended from bus transportation because his or her disability manifests in behavioral problems. Consequently, where a special education student's disability endangers the welfare of other students and/or himself/herself, the district must provide alternate means of transportation. The building principal will consult with the director of pupil personnel services to determine if the behaviors warrant disciplinary action or is related to the child's disability.

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 will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved. However, the student is not entitled to a full hearing pursuant to Education Law Section 3214.

4. In-School Suspension:

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." A student subjected to an in-school suspension will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved. However, the student is not entitled to a full hearing pursuant to Education Law Section 3214.

5. Teacher Disciplinary Removal of Disruptive Students:

a. Excusing Students from Classroom for a Brief Period of Time:

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can influence a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher excusing the student from the classroom for a portion of the period to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Serious misbehavior necessitates the teacher notifying the child's parent.

b. Removal of Disruptive Students:

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A

substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from the class for up to one full period (two if a blocked class). The teacher should notify the parent and provide a summary of the reason for removal to the administration.

#### 6. Suspension from School:

Suspension from school is a severe penalty, which may be imposed only upon students whose behavior is seriously or repeatedly insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board places primary responsibility for the suspension of students with the superintendent and the building principals.

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

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

##### a. Short-term (5 days or less) Suspension from School:

The principal has the right to suspend a student for 5 days or less without the specific designation of the school board.

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. The informal hearing must take place within 48 hours of the parent request. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

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

b. Long-Term (more than 5 days) Suspension from School:

When the superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision. 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 thirty (30) days of the Board's decision.

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger or an ongoing danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### **C. Minimum Periods of Suspension**

1. Students who bring a weapon to school:

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has

the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least one day. If the proposed penalty exceeds a five-day suspension, the student and the student's parents 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 one-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum one-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum one-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 of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **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 and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

### **A. Authorized Suspensions or Removals of Students with Disabilities**

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

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

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

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board, the superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a nondisabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement. In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student .in the same manner and for the same duration as a non-disabled student.
  - e. The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:
    - 1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
    - 2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
    - 3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.
3. For purposes of this paragraph, the following definitions apply:
- a. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - b. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - c. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
4. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

- 1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or

- b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they 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.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal, unless:
- a. The manifestation team determined that the student's behavior was not a manifestation of the student's disability, or
  - b. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

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

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

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

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

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. 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.

- a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - ii. 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 is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be 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.

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

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. 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 10 consecutive 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.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

## **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business 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 whom a crime is reported.

## **XII. Student Searches and Interrogations**

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

In addition, the board authorizes the superintendent, building principals, assistant principals, deans, the school nurse and district security officials 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 or the district code of conduct.

### **A. Student Lockers, Desks, and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **B. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. 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 advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

The District shall determine on a case-by-case basis the appropriate sex of the authorized school official or employee who shall conduct a strip search, after considering gender and any other relevant issues. Strip searches shall be conducted in the presence of another District professional employee who is of the same sex as the official or employee conducting the search.

In every case, the school official conducting a strip search must have reasonable suspicion to believe the student is concealing evidence of a violation of law or the district code. 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, the quality of the knowledge that lead to the reasonable suspicion 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. Treatment of Cell Phones Laptops or Other Personal Devices**

Teachers and administrators are authorized to confiscate student cell phones laptops or other personal devices that are being used in violation of the code of conduct and/or policies governing the use of electronic devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone, laptops or other personal devices further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

## **D. Documentation of Searches**

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

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

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

## **E. Police Involvement in Searches and Interrogations of Students**

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

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted unless there is an imminent emergency. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- a. They must be informed of their legal rights.
- b. They may remain silent if they so desire.
- c. They may request the presence of an attorney.

## **F. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. In any situation in which a student is required to remove his or her clothing, the District shall determine, on a case-by-case basis, the appropriate sex of a child protective services worker or school official or employee who shall be present, after considering gender and any other relevant issues.

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

## **XIII. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the front desk upon arrival at the school. There they will be required to present identification and will be issued a visitor's identification pass, which must be worn at all times while in the school or on school grounds.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register but must remain within the designated public gathering area.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal and the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XIV. Public Conduct on School Property**

The Sag Harbor School District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

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

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette (including vaping), or use chewing or smokeless tobacco.

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Visitors may also be subjected to a temporary ban from district property.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XV. Dissemination and Review**

### **1. Dissemination of Code of Conduct**

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

1. Sending home to families a copy of the code of conduct at the beginning of the school year.
2. Request that all current teachers and other staff members review the code of conduct at the beginning of the school year.

School handbooks and written procedures complement the district code of conduct. In the event of any inconsistencies, the handbook information and written procedures are superseded by the code of conduct. The handbooks and procedures will be modified as appropriate.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.