

**STUDENTS****Behavior****STUDENT DISCIPLINARY CODE****A. Introduction**

The rights afforded to students in our District to attend the public schools are substantial, as expressed in the New York State Constitution, Education Law, Board of Education policies, and as set forth in the Student Bill of Rights and Responsibilities. However, a student's rights as a student are subject to suspension and, in certain instances, permanent suspension from attendance in our schools when his/her conduct is found to be violative of the provisions of this Code.

As provided in the Education Law, the Board of Education, the Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from attendance upon station where it is determined that the student:

1. Is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
2. Exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students.

**B. Pre-Suspension Process**

Prior to being suspended from attendance upon instruction in one or more classes, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the circumstances render a pre-suspension confrontation impossible, such confrontation shall occur following suspension, as soon as thereafter as is practicable.

### **C. Short-Term Suspension Process**

In the event that a student is suspended from attendance upon instruction for between one (1) and five (5) days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent or guardian shall be notified, in writing, by personal delivery or express mail, and by telephone, if possible, within 24 hours of the suspension that the student has been suspended from school. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent or guardian of their right to a request an immediate informal conference with the Principal. Upon such request, a conference with the Principal and other parties involved shall be convened as soon as possible, at which time the evidence, including the witness(es) relied upon by the Principal in making the suspension determination, may be questioned by the parent or guardian. The right to an informal conference with the Principal shall also extend to a student of 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent or guardian.

### **D. The Long-Term Suspension Process: Suspension for More Than Five Days**

Any suspension from attendance upon instruction in excess of five (5) school days shall be considered a long-term suspension. Unless there is an agreement between the person requesting the suspension and the parent or guardian, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education conduct a hearing.

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

#### **1. Hearing Procedures**

##### **Notice of Hearing**

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

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

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

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

### **The Long-Term Suspension Hearing**

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

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

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

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

The Hearing Officer shall inform parties:

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

Following the conclusion of the testimony and the introduction and other evidence matters, the parties shall be afforded the opportunity to present oral arguments to the Hearing Office indicating the reasons why the charges should be sustained or dismissed.

The Hearing Officer shall then reach findings of fact upon the charges.

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

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

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

### **Alternative Instruction**

Pursuant to the Education Law, no student shall be suspended from attendance upon instruction in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in form of home instruction or instruction in an alternative setting. Such instruction shall be of equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately, but in no event, shall a student be suspended for more than two days without receiving such alternative instruction.

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

### **Appeals Process**

The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board. In the event that the initial long-term suspension was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed to the Commissioner of Education.

### **E. Off-Campus Misconduct**

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

**F. Suspension from Transportation Service**

Students may be suspended from transportation services for an infraction or infractions listed herein upon the conducting of an informal hearing by the Superintendent of Schools or his/her designee, at which time the student's parent/guardian or other representative shall be allowed to confront the witnesses relied upon by the District in determining the appropriateness of such suspension of service. If such informal hearing is conducted before the Superintendent's designee, the designee shall make a recommendation to the Superintendent as to the action to be taken.

**G. Suspension from Extra-Curricular Activities**

A student may be suspended from participating in extra-curricular or co-curricular activities (including a sports team) for an infraction of any of the provisions herein for violating a code of conduct issued to participants in the activity by the activity supervisor or for fighting at games. Upon the request of the student's parent/guardian, the Building Principal shall allow the parent/guardian or other representative of the student the right to appear before him/her informally, to discuss the conduct which led to suspension from activity.

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

**H. Suspension of Students with Disabilities**

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

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

### **Section 504/Title II ADA Disability**

Before discipline may be meted out for a student with a disability or suspected disability founded sole under Section 504 of the Rehabilitation Act of 1973 (hereinafter “Section 540”) Title II of the Americans with Disabilities Act (hereinafter the “ADA”), the Section 504 multi-disciplinary committee (hereinafter the “Section 504 Committee”) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability

1. If a nexus is found between the disability of the conduct underlying the charges, the Section 3214 proceeding must be discontinued and the matter placed under the jurisdiction of the Section 504 Committee for any further consideration. The Section 504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under Section 504, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the Section 3214 Hearing Officer. Students whose sole disabilities are founded under Section 504 are for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

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

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

### **IDEA Disability**

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

1. If nexus is found between the disability and the conduct, the Section 3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.

2. If no nexus is found, yet nonetheless, a disability is indicated or has been identified discipline may be imposed upon remand to the Section 3214 Hearing Office. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.

3. Where no nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the Section 3214 Hearing Officer for a determination of penalty.

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

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

### **Suspensions Beyond Ten (10) School Days**

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

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

1. The CSE has made a determination that the student's misconduct was not related to the student's disability;
2. The School District obtains a court order authorizing the suspension.



3. The disciplinary charges involve the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
4. The parent/guardian or student 18 years of age or older gives their consent, in writing.

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

### **Suspension for Misconduct Involving Weapons and/or Drugs**

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty-five (45) days (less if the discipline is for a non-disabled student would be less), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

1. In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.”

2. In accordance with law, the term “illegal drugs” means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

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

1. Placement on an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).

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

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

### **Dangerous Students**

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

1. The CSE must conduct a nexus determination within ten (1) school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.

2. It is up to the CSE to determine what would constitute an interim alternative educational setting.

3. The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and that the School District has made reasonable efforts to minimize the risk of harm in the current placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

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

### **Declassified Students**

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

#### **1. Disciplinary Measures**

The following shall constitute appropriate disciplinary measures authorized by this Student Code of Conduct:

1. Warnings (oral and written)
2. Detention
3. In-school suspension
4. Suspension from school for up to five (5) school days
5. Suspension from school in excess of five (5) days
6. Suspension from school for at least (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days
7. Placement in an interim alternative educational setting for a period of up to forty-five (45 days), in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
8. Permanent suspension (expulsion).

#### **J. Infractions with Penalty References**

1. Disturbances which disrupt instruction. (1,2,3 or 4)
2. Abusive language directed at staff or peers on school grounds or at school activities (1, 2, 3 or 4)
3. Carelessness in failing to follow school rules and staff directions. (1 or 2)
4. Dress or grooming which is disruptive to the educational process or which creates a danger to the student and/or others. (1 or 2)
5. Possession of obscene materials (1, 2, 3 or 4)

6. Smoking on campus. (1, 2 or 4)
7. Cheating in any academic or extra-curricular or co-curricular activity. (1, 2, 3, 4 or 5)
8. Abusive and/or insubordinate gestures directed at school employees or peers which provoke a fight. (2, 3 or 4)
9. Willful failure to obey the reasonable directives of school staff (insubordination), including directives not to engage in conduct otherwise referenced as an infraction herein and for failing to notify a parent of assignment to detention. (1, 2, 3, 4 or 5)
10. Fighting between students where no dangerous instruments are involved and no person is injured in the altercation. (2, 3 or 4)
11. Fighting between students where harm is caused to one or more of the combatants. (3, 4, 5 or 8)
12. A fight involving the use or threatened use of a dangerous or deadly weapon (4, 5, 6 or 8)
13. An unprovoked assault against another student or person in the schools. (4, 5 or 8)
14. An unprovoked assault against another student or person in the schools which causes bodily harm. (4, 5 or 8)
15. Possession of dangerous or deadly weapons on school property. (6 or 8)
16. Possession of illegal drugs, dangerous drugs, counterfeit drugs or alcohol in school or at school events. (4, 5, 7 or 8)
17. Use of illegal drugs, dangerous drugs, counterfeit drugs or alcohol at school or while attending school events. (4, 5, 7 or 8)
18. Sale of illegal drugs, alcohol or counterfeit drugs at school or while at school events. (5, 7 or 8)
19. Possession of fireworks on school property or at school events (4 or 5)
20. Use of fireworks while on school property or at school events. (4, 5, 6 or 8)
21. Commission of conduct which constitutes a misdemeanor while on school property or at a school event. (4 or 5)
22. Commission of conduct which constitutes a felony while on school property or at a school event. (4, 5 or 8)
23. Gambling. (3 or 4)
24. Hazing. (4 or 5)
25. Lewd behavior. (3, 4, or 5)
26. Extortion. (4, 5 or 8)
27. Plagiarism. (3 or 4)
28. Arson. (4, 5 or 8)
29. Intentional destruction of school property. (3, 4, 5, or 8)
30. Theft of school property. (4, 5 or 8)
31. Mental or physical condition which endangers the health, safety and/or welfare of the student or others. (3, 4, 5 or 8)

**THE REPEATING OF AN INFRACTION MAY LEAD TO THE  
IMPOSITION OF THE NEXT MEASURE OF DISCIPLINE.**

**CHRONIC REPEATING OF INFRACTIONS MAY LEAD TO LONG-TERM  
SUSPENSION OR PERMANENT SUSPENSION (EXPULSION).**

**STUDENT'S BILL OF RIGHTS AND RESPONSIBILITIES**

As students in the public schools of the State of New York, you have the right to a free appropriate education if you are between the ages of five (5) and twenty-one (21) years pursuant to the provisions of Article XI, Section 1 of the New York State Constitution and Section 3202(1) of the Education Law of the State of New York, or until you receive a high school diploma, whichever comes first. All students who reside within our State between the ages of six (6) and the school year through which he/she becomes sixteen (16) years of age are required by law to regularly attend upon instruction either in the public schools or in such private schools as are approved for equivalency of instruction by the appropriate school authorities.

The right to a free public-school education as described above extends to all students including those with disabilities. However, this right is not unconditional. Pursuant to due process of law requirements as established in Section 3214 of the Educational Law of the State of New York and the Student Disciplinary Code, a student may be suspended temporarily or permanently from instruction in his/her regularly scheduled classes. Only students within the compulsory education ages (6 through the school year in which the student turns 16) are entitled to alternative, equivalent instruction following suspension from regularly scheduled classes.

The District expects each student to conduct himself or herself in a manner which will create an appropriate atmosphere so that students may learn and thrive educational to the maximum extent of their abilities. Each student shall also be responsible for conducting himself or herself so as to avoid the behaviors which could lead to discipline as set forth in the Student Disciplinary Code. As long as students meet the requirement of these responsibilities, the rights assured by the New York State Constitution and Education Law as well as the Policies of this School District will be fully recognized and applied. In addition, to the rights referenced above, as a student in this district you are specifically afforded to the following rights:

**A. Student Expression:** Students shall be allowed the opportunity for the free expression of ideas consistent with rights established by the federal and state constitutions. However, a student's freedom of expression is subject to limitation in that the constitutional protections will not extend to libelous, slanderous or obscene words or to words which by their very use incite others to damage property or to physically injure persons. Furthermore, speech which materially and substantially disrupts the work and discipline of the school may be subject to limitation.

1. **School Newspaper:** Participation in the process of publishing school newspapers affords students an opportunity to learn how to report the news events of the school as well as the sincere expression of all facets of student opinion. The following are guidelines for curricular school newspapers and other school newspapers.

2. **Curricular School Newspapers:** Any school-sponsored newspaper which is part of the adopted English or Journalism curriculum shall be under the direction of an official advisor who shall exercise editorial control over style and content of the student speech within the context of legitimate pedagogical concerns and responsible journalism.

1. All materials shall be subject to prior review by the official advisor and by the Building Principal. Their decisions regarding production and publication shall be made within two (2) school days.

2. Either the advisor to such school newspaper and the Building Principal, as well as the Superintendent of Schools or Board of Education may prohibit the publication of curricular school newspaper materials which are found to:

- a. be inappropriate (e.g. ungrammatical, poorly written, writing which is inadequately researched, biased, prejudiced, vulgar, profane or libelous);
- b. be unsuitable for the level of maturity of the intended audience(s);
- c. substantially interfere with the work of the school;
- d. impinge upon privacy rights of students or their families or social relations;
- e. advocate conduct inconsistent with shared values of civilized social order (e.g. materials which promotes drug or alcohol use, irresponsible behavior, etc.);
- f. associate the school with any position other than neutrality on matters of political controversy;
- g. erroneously attribute the views of the individual author to the school.

3. Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in such school newspaper, the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) school days of the initial decision to prohibit such publication.

**B. Other School Newspapers**: The following guidelines shall apply to materials published in our school newspaper(s) which are not part of the adopted English or Journalism curriculum:

1. All materials shall be subject to prior review by the official advisor of each school newspaper and by the Principal of the building where the newspaper is published. Their decision regarding publication shall be made within two (2) school days.

2. Either the advisor to the school newspaper or the Building Principal, as well as the Superintendent of Schools or Board of Education may prohibit the publication of school newspaper materials or articles to the extent that they:

- a. clearly endanger the health, safety or welfare of students;
- b. imminently threaten to disrupt the educational process of the school;
- c. constitute material which is libelous or obscene;
- d. threaten any person or group in the school or advocate discrimination on the basis of race, religion, disability, age, sex marital status or national origin.

3. Appeals Procedure: In the event that the newspaper advisor or another school official renders a decision that certain material shall not be printed in the school newspaper(s), the student shall be entitled to a review of that decision by the Superintendent of Schools, whose decision shall be final in this matter and shall be rendered within three (3) school days of the initial decision to prohibit such publication.

**C. Non-School Publications and Materials**: Publications or materials other than the official school newspaper(s) may be distributed by students at locations beyond the limits of the school grounds and on occasions other than at school-sponsored activities without the authorization of school officials.

To distribute other than school newspapers on school property, a student distributor must request from the Superintendent or his designee to distribute materials such as handouts, petitions, leaflets or other literature so long as the same has been written and signed by one or more students of the District.

The source of such materials must be indicated on the printed matter.

Two (2) copies of the material to be distributed must accompany the request at least two (2) school days prior to the time of distribution.

The application for approval of distribution must be made to the Superintendent or his designee who, if approval is granted, shall establish the time and place of distribution to assure that the process will not be disruptive of education in the building.

If the request is denied by the Superintendent's designee, it shall be so stated in writing with the reasons for the denial. An appeal to the Superintendent of Schools shall lie from the designee's denial, whereupon the Superintendent shall rule upon the suitability of the material for distribution within three (3) days of the presentation of the appeal to him.

No commercial materials may be distributed within the school by students or others.

**C. Symbolic Expression:** Students, in light of constitutionally protected free speech rights, may wear political buttons, arm bands or badges of symbolic expression so long as the same conform to the limits set forth herein under "school newspaper" and "dress code."

**D. Dress Code:** Students encouraged to dress and groom themselves in an appropriate manner. Any dress or appearance which clearly constitutes a threat or danger to the health and safety of students constitutes a disruption to the educational process shall be prohibited.

**E. Student Activities:** All pupils shall enjoy equal access to the extent of their capabilities for participation in the various extra-curricular and co-curricular activities sponsored by the School District. The privilege of participating in such activities shall be conditioned upon appropriate conduct as established by the student code of conduct and any rules promulgated specifically for participation in extra and/or co-curricular activities.



**F. Student Government:** Students are encouraged to participate in the various student governmental bodies which have been or may be established in our schools. It shall be the duty of the student governmental body to establish reasonable standards for qualification of candidates to serve in offices of the government. Elections for student government shall be conducted in accordance with the principles of our democracy and elected student representatives shall work with the faculty, administration and student body in identifying cooperatively those areas of appropriate student responsibility. All student governmental bodies shall have a faculty advisor and shall be organized pursuant to a specific written constitution which the student shall participate in formulating.

**G. Student Clubs and Other Student Organizations:** The District encourages students to participate in curriculum related extra-curricular activity clubs and/or organizations. To the extent that the District authorizes meetings of non-curriculum related clubs or organizations, the same shall be subject to the constitution of the student government and shall be conducted in accordance with any applicable federal or state law, as well as Board of Education policy or regulations.

**H. Privacy Rights (Search and Seizure):** Students in attendance in our public schools are protected against illegal or unreasonable personal searches or seizures of their property by both the federal and state constitutions. In light of these protections, no student's person or property shall be searched for illegal substances or materials unless the school authorities conducting the search have reasonable suspicion to do so. Lockers and desks assigned to students may be subject to inspection at any time by school officials since such places are not the property of the student, but rather are owned by the School District and shared with the student.

**I. Pregnant Students:** During pregnancy and the period of pregnancy related disability which follows childbirth, a student shall be entitled to home instruction, upon request. Pregnant students who desire to attend their regularly scheduled classes prior to the time of childbirth may do so to the extent that their physician approves of such attendance.

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