

**Quogue UFSD  
PO Box 957 - Edgewood Road  
Quogue, NY 11959**

**Code of Conduct**

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## **I. Introduction**

The Quogue Union Free School District has found that order and discipline are an essential part of effective education. It also believes that everyone in the school community must play a role in contributing to an effective learning environment. Further, an orderly environment requires a code of discipline that clearly defines individual responsibilities, categorizes unacceptable behavior, and provides for appropriate disciplinary options and responses. Finally, it is our belief that, to be effective, such a code must identify and recognize acceptable behavior, be preventative in nature, promote self-discipline, concern itself with the welfare of the individual as well as that of the school community as a whole, promote a close working relationship between parents and the school staff, discriminate between minor and serious offenses as well as between first time and repeated offenses, provide disciplinary responses that are appropriate to the misbehavior, be administered by all in a way that is fair, firm, reasonable, and consistent, encourage a high regard for every person's right to reasonable hearing procedures and due process when accused of misconduct, and comply with the provisions of federal, state and local law as well as with the guidelines and directives of the New York State Department of Education and the Board of Regents.

Our school's primary concern is the education of our children. The Board of Education is responsible for seeing that essential controls are established and adequate discipline is maintained in the operation of the school to effectively promote the safety, social and educational growth of students. Administrative regulations are drawn up and enforced by the school administration and staff. The basic goal of control procedures is to guide students toward assumption of responsibility, for citizenship within the school, and scholastic achievement commensurate with their ability.

Parents are expected to assume primary responsibility for control of their child. When requested, parents will actively cooperate with the school in providing the necessary structure to promote their child's social and educational growth. To this end, a high degree of parent school communication will be fostered by the school.

Disciplinary measures available to the administration include conference, detention, in-school suspension, out-of-school suspensions; and in some severe cases, a student may be dropped from the school rolls.

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

Finally, it is understood that teachers and all other Quogue UFSD personnel are expected to model the behaviors stated in this "Code of Conduct".

## **II. Definitions**

For purposes of this "Code of Discipline", the following definitions apply.

"Disruptive student" means a 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 event or activity.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. 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 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 device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

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

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

The Quogue School District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. be educated in a setting that is physically safe, emotionally secure and intellectually stimulating,
2. learn as they become developmentally capable,
3. be informed of all school rules,
4. have school rules enforced consistently and fairly,
5. expect communication and cooperation between the home and school on discipline matters,
6. expect that school officials and parents will look out for the best interest of each students.
7. take part in all district activities on an equal basis regardless of race,color, creed, national origin, religion, gender or sexual orientation or disability.

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

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

1. accept responsibility for his/her actions
2. respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined,
3. attend school on a regular basis,
4. be punctual at all times,
5. complete class assignments and other school responsibilities by established deadlines,
6. show evidence of appropriate progress toward meeting school requirements,
7. respect school property including lockers, and help to keep it free from damage,
8. obey school regulations and rules made by school authorities ,
9. recognize that the teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school sponsored activities,
10. contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all,
11. become familiar with this code and seek interpretation of parts not understood.
12. Dress appropriately for school and school functions.

### **IV. Essential Partners**

#### **A. Parents**

All parents are expected to:

1. recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. send their children to school ready to participate and learn.
3. ensure their children attend school regularly and on time.
4. ensure absences are excused.
5. insist their children be dressed and groomed in a manner consistent with the student dress code.
6. help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. know school rules and help their children understand them.
8. convey to their children a supportive attitude toward education and the district.
9. build good relationships with teachers, other parents and their children's friends.
10. help their children deal effectively with peer pressure.
11. inform school officials of changes in the home situation that may affect student conduct or performance.
12. provide a place for study and ensure homework assignments are completed.

#### **B. Teachers**

All district teachers are expected to:

1. maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. be prepared to teach.
3. demonstrate interest in teaching and concern for student achievement.
4. know school policies and rules, and enforce them in a fair and consistent manner.
5. communicate to students and parents-
  - course objectives and requirements,
  - marking/grading procedures and assignment deadlines,
  - expectations for students including a classroom discipline plan,
  - communicate regularly with students, parents and other teachers concerning growth and achievement.

### C. Principal / Superintendent

The Principal / Superintendent is expected 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 / Superintendent and approach the Principal / Superintendent for redress of grievances.
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. evaluate on a regular basis all instructional programs.
6. support the development of and student participation in appropriate extracurricular activities.
7. be responsible for enforcing the "Code of Conduct" and ensuring that all cases are resolved promptly and fairly.

### F. Board of Education

Members of the Board of Education are expected 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.

## V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

- be safe, appropriate and not disrupt or interfere with the educational process.
- include footwear at all times. Footwear that is a safety hazard will not be allowed.
- not include the wearing of hats in the classroom except for a medical or religious purpose.
- not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
- not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

The building Principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of every school year .

Students who violate the student dress code shall be required to modify their appearance. Any student who refuses to do so shall be subject to the established consequences. Any student who repeatedly fails to comply with the dress code shall be subject to additional consequences pursuant to this Code of Conduct.

## VI. Prohibited Student Conduct

The Quogue Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

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

- A. Engage in conduct that is Disorderly. Examples include:
- Obstructing vehicular or pedestrian traffic.

- Engaging in any willful act which disrupts the normal operation of the school community.
- Trespassing. Students are not permitted in any school building without permission from the administrator in charge of the building.
- Computer / electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that is Insubordinate or Disruptive. Examples include:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.

C. Engage in conduct that is Violent. Examples include:

- Committing or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee.
- Committing or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property .
- 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.
- Displaying what appears to be a weapon.
- Threatening to use any weapon.
- 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.
- Intentionally damaging or destroying school district property.

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

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- Defamation, which includes making false or un-privileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
- Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Selling, using or possessing obscene material.
- Using vulgar or abusive language, cursing or swearing.
- Possessing or using tobacco products
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or other illegal substances.
- Gambling.
- Wearing revealing or indecent clothing.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, setting off a fire alarm, or discharging a fire extinguisher.

E. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district chartered 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.

F. Engage in any form of academic misconduct. Examples might include such things as plagiarism, cheating, copying, altering records, or assisting another student in any of the preceding actions

## VII. Reporting Violations

All students are expected to promptly report violations of the "Code of Conduct" to a teacher, the building Principal / Superintendent or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building Principal / Superintendent or his or her designee.

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 building Principal or his or 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 or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

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

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 student’s prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate
6. 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.

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. Penalties**

Students who are found to have violated the district’s “Code of Conduct” may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student’s right to due process.

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, teachers, Principal / Superintendent
3. Written notification to parent – bus driver, lunch monitors, teachers, Principal / Superintendent
4. Detention – teachers, Principal / Superintendent
5. Suspension from transportation – Principal / Superintendent
6. Suspension from social or extracurricular activities – teacher, Principal / Superintendent
7. Suspension of other privileges – Principal / Superintendent
8. In-school suspension – Principal / Superintendent
9. Removal from classroom by teacher – teachers, Principal
10. Short term (five days or less) suspension from school – Principal / Superintendent, Board of Education
11. Long term (more than five days) suspension from school – Principal / Superintendent, Board of Education
12. Permanent suspension from school – Superintendent, Board of Education

### **B. Procedures**

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

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

#### 1. Detention

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

#### 2. Suspension from extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

#### 3. 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 the building Principal / Superintendent to place students who would

otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

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

#### 4. Formal Removal of Disruptive Students By a Teacher

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

1. short-term "time out" in a classroom or in an administrator's office;
2. sending a student to the Principal's office for the remainder of the class time only; or
3. sending a student to a district staff member for counseling.

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.

Under extreme conditions and after appropriate prior intervention, a classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

##### Procedure For Removal

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

B. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

C. The teacher must complete a disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

D. Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

E. 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 student's removal 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 parents.

F. The Principal may require the teacher who ordered the removal to attend the informal conference.

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

H. The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the district's "Code of Conduct."
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

I. The Principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

J. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must keep a complete log for all cases of removal of students from his or her class. The Principal must keep a log of all removals of students from class.

K. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

## 5. Suspension From School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent / Building Principal.

Any staff member may recommend to the Superintendent / Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal / 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 / 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

When the Superintendent / 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 .

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 Superintendent / Principal. 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 Superintendent / 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 Superintendent / Principal shall promptly advise the parents in writing of his or her decision. The Superintendent /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 / Principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a 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, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the Superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

#### C. Permanent suspension

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

### C. Minimum Periods of Suspension

#### 1. Students who bring a weapon to school

Any student, 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:

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

#### 2. 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 five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal

conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's 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 five-day suspension on a case by case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive.

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 five days. 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 five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case by case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

#### D. Referrals

1. Director of Committee for Special Education

The Special Education Office shall handle all referrals of students for counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## IX. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## X. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code 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.

## **XI. Corporal Punishment**

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

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

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

The 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. 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. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, or his / her designee 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".

An authorized school official may conduct a search of a student's belongings that is minimally intrusive so long as the school official has a legitimate reason for the very limited search.

### **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. 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; or
3. Been invited by school officials.

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

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### **C. Child Protective Services Investigations**

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

### **XIII. Visitors to the School**

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 office of the Principal upon arrival at the school. There they will be required to sign the visitor's register.
3. Visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance.
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 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.
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 vehicle restrictions.
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.
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.

#### **B. Consequences**

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.
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 "Consequences" 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

### A. Dissemination of the Code of Conduct

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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President, Quogue UFSD Board of Education