

CODE OF CONDUCT

Introduction

The Bronxville Union Free School District is committed to creating and maintaining high standards of education for students in the schools. The District believes that order and discipline are essential to effective education. Maintaining a supportive orderly educational environment requires everyone in the school community play a role in contributing to the development of responsible and productive citizens. It also requires the development and implementation of a code of conduct that clearly defines individual responsibilities, describes unacceptable behavior, and provides a procedural framework for disciplinary decisions regarding inappropriate behavior or misconduct. This Code of Conduct was developed to comply with the mandated Project SAVE legislation and has now been revised to comply with the newly enacted Dignity for all Students Act (“DASA”); we should all be aware of its important components.

The District believes that order and discipline must be a shared responsibility between school, home and community. It is our belief that, to be effective, such a code must:

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

The Board of Education is responsible for ensuring that essential regulations are established and adequate discipline is maintained in the operation of the schools to effectively promote safety, as well as the social and educational growth of the students. Administrative regulations are developed and enforced by the school administration and staff.

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

Statement of Philosophy

Our goal as an educational organization is to begin with an instructive approach to discipline and teach students that they can all achieve and behave well. When at all possible, behaviors that are contrary to this Code of Conduct will be identified, and constructive interventions will be implemented before moving to disciplinary consequences.

I. Student Rights & Responsibilities:

- Public Education:

Right: Students in Bronxville have the right to a free, public education.

Responsibility: Students have the responsibility to come to school daily and attend every assigned class prepared to fulfill all course requirements at the time designated by the teacher.

- Supportive Environment:

Right: Students have the right to learn in a safe, supportive and orderly school environment that focuses on positive student behavior.

Responsibility: Students have the responsibility to refrain from bullying, harassing and/or discriminating against others and to report any such conduct that occurs to a teacher or District administrator.

- Freedom of Expression:

Right: Students have a constitutional right to freedom of expression provided such expression does not disrupt or interfere with education, discipline, or the normal activities of the school.

Responsibility: A student's constitutional protection to freedom of expression will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons.

- Freedom of Press:

Right: Students have the right to express their personal opinions in writing as long as such material is signed by the author and follows the guidelines identified in the "Freedom of Expression" section.

Responsibility: Student authors must take responsibility for what they write. They must avoid any statements that are libelous, obscene, or attack others. Any written material can be distributed only at the times and in the places designated by school officials. Students must see that the distribution of such material does not disrupt the educational process.

- Assembly:

Right: Students have the right to assemble peacefully.

Responsibility: Students have the responsibility to see that any meetings on the school campus are either part of the formal educational process or authorized by the school administration. Meetings or demonstrations that interfere with the normal operations of the school or of particular classrooms are not allowed.

- Attire:

Right: Students have the right to follow personal standards of dress and grooming.

Responsibility: Students have the responsibility to see that their dress and grooming protect the health and safety of themselves as well as other persons in school and that such dress is respectful of others and does not disrupt or interfere with the educational process.

- Access to School Facilities:

Right: Registered students have the right to use school facilities subject to the routine operating procedures set at the building level.

Responsibility: Students have the responsibility to use the school facilities in a safe manner and within the routine operating procedures. Each student must take the responsibility to help keep the school clean and orderly. Each student must see that his/her use of the school facilities does not infringe on the rights of others to use the same facility.

- Extra-Curricular Activities & Clubs:

Right: Students have the right to an equal opportunity to be considered for participation in extra-curricular programs and activities subject to the guidelines set forth in the Co-Curricular/Extracurricular Code of Conduct.

Responsibility: Student organizations have the responsibility not to restrict membership on the basis of race, color, religion, religious practice, sex, gender, national origin, sexual preference, or any other arbitrary criterion, subject to necessary restrictions. Every student organization must be sanctioned by the school administration before it can use school facilities.

* It should be noted that any student participating in an extra-curricular activity or attending an extra-curricular activity as a spectator on or off campus is expected to follow this Code of Conduct as well as the Co-Curricular/Extracurricular Code of Conduct.

- Availability of School Rules & Regulations:

Right: Students have the right to be informed of the Code of Conduct of the Bronxville Union Free School District. Each student will be provided with access to an electronic copy of the Code of Conduct from the District at the start of each school year as well as being provided with a plain language summary of the Code of Conduct at a school assembly held at the beginning of each school year. In addition, electronic copies of the Code of Conduct will be available to parents at the start of each school year.

The Code will be reviewed annually in conjunction with the opening of school.

In addition, in accordance with 8 NYCRR 100.2, the Board of Education shall provide programs for in-service education for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

Responsibility: All members and visitors of the school community will be responsible for reading and acting in accordance with this Code of Conduct.

- Due Process:

Right: Students have a right to a defined procedure for student disciplinary infractions and arriving at decisions. This procedure is called “due process.” Students will have a right to be told the reasons for disciplinary actions being considered and a right to present their account of the event(s) in question. Due process is designed to protect students from the arbitrary exercise of authority.

Responsibility: Students have the responsibility to be aware of the steps of due process. They should cooperate with school authorities by providing any and all information needed to make a prompt and fair decision. The formal due process steps are outlined later in this Code of Conduct.

- General Student Responsibilities:

All District students have the responsibility to:

- Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with, and abide by all District policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused and be in class on time and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
- Ask questions when they do not understand.
- Seek help in solving problems.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the District when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

II. Code of Conduct Definitions:

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

“Dignity Act Coordinator” means at least one (1) employee designated in every school who is instructed in the provisions of DASA and thoroughly trained in methods to respond to human

relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

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

“Disruptive Student” means a student under the age of 21 who is substantially disruptive of the educational process and/or substantially interferes with the teacher’s authority over the classroom.

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

“Gender” means actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

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

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

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

“School Function” means any school-sponsored, extra-curricular event, field trip, or other school-related activity, whether held on or off school district property.

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

“Violent Student” means a student under twenty-one (21) years of age who: (1) commits an act of violence upon a teacher, administrator or other school employee; (2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property; (3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death; (4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury; (5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death; (6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or (7) knowingly and intentionally damages or destroys school district property.

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

III. Essential Partners:

Maintaining a safe, supportive, orderly, and learning rich environment requires the cooperation of all school community members. Below you will find many of the roles that the Board of Education, Teachers, Superintendent, Parents, Non-teaching Staff, Administration, Guidance Counselors, and Child Study Team are expected to focus upon that will ensure this type of environment. In addition, these essential partners should maintain a climate of mutual respect and dignity, which will strengthen students’ self-concept and promote confidence to learn. All essential partners are expected to confront issues of discrimination and/or harassment or any situation that threatens the emotional and/or physical health and/or safety of any student, school employee or any person who is lawfully on school property or at a school function.

Board of Education:

- Collaborate with students, teachers, administrators, and parent organizations, 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.
- 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.
- Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

Teachers:

- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents:
 - Course objectives and requirements
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a teacher's attention.
- Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

Superintendent:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the Board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

Parents:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the District.
- Build good relationships with teachers, other parents, and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.

- Provide a place for study and ensure homework assignments are completed.

Non-teaching Staff:

- Know school policies and rules, and enforce them in a fair and consistent manner.
- Convey to students and parents a supportive attitude toward education and the District.
- Lead by example by responding to students and parents in a professional, courteous and respectful manner.

Administration:

- Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- Evaluate all instructional programs on a regular basis.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

Guidance Counselors:

- Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/ counselor conferences as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.

The Dignity Act Coordinator(s) shall:

- Promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to staff as to how to access and implement those resources.
- Be responsible for monitoring and reporting on the effectiveness of the district's anti-bullying, harassment & discrimination policy/dignity for all students act policy.
- Address issues of discrimination and harassment, or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

- Address personal biases that may prevent equal treatment of all students and staff.
- Respond to any reports of bullying, harassment or discrimination

IV. Prohibited Student Conduct

In accordance with the Family Educational Rights and Privacy Act (FERPA), the District is precluded from sharing specific disciplinary infractions and penalties, which could lead to the identification of a particular student/student(s), with community members without receiving written authorization from the parent(s)/guardian(s) of the student(s).

The 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 proper 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. While the Board recognizes the importance of positive peer interactions and the ability of peers to resolve conflicts amongst themselves, students should be mindful that there may be circumstances where it is not appropriate to attempt to resolve conflicts on their own. Passive participation by a student at an illegal or forbidden act which otherwise endangers the health, safety welfare and/ or morals of the passively participating student and/ or that of another person/ student could result in disciplinary consequence for that student. Passive participation shall be defined as a student's voluntary presence at the site of an illegal or forbidden act, which otherwise endangers the health, safety, welfare and/ or morals of any person/ student.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Off Campus conduct may be subject to school discipline should the District determine in its discretion that such conduct creates a hostile environment for the victim at school, or materially and substantially disrupts the educational process or the orderly operation of any school building. A student may be subject to corrective action, disciplinary consequences, or suspension from school when the student:

A. Engages in any form of academic misconduct*, including but not limited to:

- Lateness for, missing or leaving school or class or homeroom without permission or excuse.
- Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion).
- Plagiarism.
- Altering school records.
- Assisting another student in any of the above actions.

B. Engages in conduct which is disorderly*, including but not limited to:

- Engaging in any willful act, which disrupts the normal operation of the school community.
- Fighting or threatening behavior.

- Gambling, Violating Regents Rule 19.6 and Article 9-A of the General Municipal Law by engaging in any prohibited games of chance or raffles on school grounds.
- Discharging a fire extinguisher or falsely setting off a fire alarm.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the designated authority in the school office.
- Making unreasonable noise.
- Using abusive or obscene language or gestures.
- Disturbing any lawful assembly or meeting of persons.
- Obstructing vehicular or pedestrian traffic.
- Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- Defacing school property.
- Running in the hallways.
- Computer/electronic communications misuse. Including any unauthorized use of personal electronic equipment and computers, software, or Internet/Intranet account; accessing inappropriate Web sites; or any other violation of the District's acceptable use policy.
- Violating cafeteria behavioral expectations. Food is to be eaten only in the cafeteria or designated areas. Students are expected to sit on chairs or benches and not to have their feet on the tables. There is to be no throwing or misuse of food.
- Students are expected to dispose of their trash and recyclables appropriately. Materials that can be recycled must be recycled.
- Violating traffic regulations on school property.

C. Engage in conduct that is insubordinate*, including but not limited to the following:

- Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students, or otherwise demonstrating disrespect.
- Lateness from, missing, or leaving school without permission.
- Skipping detention.
- Lying to school personnel.

D. Endangers the safety, morals, health or welfare of self and/or others by any act*, including but not limited to:

- Bullying, which means systematically and intentionally
 - Inflicting physical hurt or psychological distress on one or more students or employees.
 - Unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.
 - Bullying may involve, but is not limited to: unwanted teasing, threatening, intimidating (including through gestures or social exclusion), stalking, cyber stalking, cyber bullying, physical violence, theft, sexual, religious, or racial

harassment, public humiliation, destruction of school or personal property, including incitement and/or coercion.

- Lying or committing forgery.
- Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- Discrimination, which includes the use of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex 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.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any activity, organization, club, or team.
- Selling, using, or possessing obscene material.
- Using vulgar or abusive language, cursing, or swearing.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Stealing or participating in the theft of money or material from other students, school personnel or other person lawfully on school property or attending a school function including the knowledgeable receipt of stolen goods.
- Possessing, consuming, selling, distributing, and/or exchanging a cigarette, cigar, pipe, or using chewing or smokeless tobacco or using inappropriate substances.
- Possessing, consuming, selling, distributing, and/or exchanging alcoholic beverages, illegal substances, possession of drug paraphernalia or being under the influence of either alcoholic beverages and/or illegal substances. "Illegal substances" include, but are not limited to, inhalants, cannabis (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, synthetic cannabinoids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- Inappropriately using or sharing prescription and over-the-counter drugs or possessing prescription drugs without prior notification to the school nurse.
- Initiating a warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- Vandalizing, willfully damaging or destroying or attempting to cause damage to school or personal property, or willfully removing or using public or private property without authorization.
- Misbehaving on school buses and vans by physically harming other students or driver, damaging property, refusing to obey the driver, or causing persistent disruption.
- Selling, using or possessing weapons (refer to Section II, "Code of Conduct Definitions"), fireworks or other dangerous instruments or contraband capable of inflicting physical injury, or causing damage to property. 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.
- Extorting money, goods, or favors from any member of the school community.
- Reckless driving.
- Reporting a false bomb scare.
- Causing a false fire alarm

E. Engage in conduct that is violent*. Violent behavior includes but is not limited to:

- Committing or attempting to commit an act of violence while on school property or at a school function (such as hitting, kicking, punching, and/or scratching) upon a teacher, another student, administrator, other school employee or any other person lawfully on school property or at a school function.
- Displaying what appears to be a weapon while on school property or at a school function.
- Threatening to use any weapon while on school property or at a school function.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee, or any person lawfully on school property, or at a school function, including graffiti or arson.
- Intentionally damaging or destroying school District property.
- Assaulting or willfully injuring another person, including fighting and/or engaging in violent behavior while on school property or at a school function.
- Willfully or maliciously burning of property.

F. Inciting or conspiring with another person to commit or attempt any of the acts* enumerated above.

**When such act/conduct occurs on school property, at a school-sponsored event or the District otherwise determines that such conduct creates a hostile environment for the victim at school, or materially and substantially disrupts the educational process or the orderly operation of any school building.*

V. Reporting Violations:

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 immediately 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.

All students must immediately report violations of the Code of Conduct to a teacher, guidance counselor, the building Principal or his/her designee or any other staff member. Any student with knowledge of a violation on school property or at a school function shall report this information immediately to a teacher, the building Principal, the Principal's designee, the Superintendent or any other staff member.

Students, who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students or staff who observe bullying, harassing and/or discriminating behavior are encouraged and expected to submit a verbal and/or written complaint to a District staff member. In addition, all District staff must report any bullying, harassment and/or discrimination to the designated Dignity Act Coordinator of the building.

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/or referral to the local law enforcement agency.

The building Principal, or his/her designee, must notify the appropriate local law enforcement agency of those code violations that constitute a crime that substantially affect the order or security of a school. (Examples include but are not limited to: causing a crime where the damages exceed \$250, committing an assault on any school community member, possessing a weapon, drug, or illegal substance).

Notification to the local law enforcement agency will be as soon as practicable, but in no event later than the close of business the day the Principal or his designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

VI. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have 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. Please refer to your school's handbook for more information on attire that is not acceptable/permitted.

A student's dress, grooming and appearance, including hairstyle/color, jewelry, make-up and nails, shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief garments such as plunging necklines (front and/or back), micro-minis, short shorts, bare midriffs, and see-through or otherwise revealing garments are not appropriate.
- Ensure that underwear is completely covered with outer clothing.
- Footwear must be worn in the building on school campus and at school events at all times.
- Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
- Not include jewelry that can be dangerous such as spiked bracelets or neck collars.
- Not disrupt the educational process, as determined by the Building Principal or his/her designee.

Each building Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. The determination of whether or not a garment is appropriate for school is in the discretion of building administration.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending items and, if necessary or practical, replacing it with an

acceptable item. Any student who refuses to do so shall be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline.

VII. Disciplinary Actions, Procedures and Specific Penalties/Actions

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:

- The student's age.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers, and/or others, as appropriate.
- Other extenuating circumstances.

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 student's ability to grow in self-discipline.

A. Disciplinary Actions

It is the Board's desire that student discipline is progressive, thus a student's first violation *may* merit a lighter penalty or action than subsequent violations; however, *depending upon the nature of the violation*, any one of these penalties/actions can be implemented. The following penalties and/or actions may be implemented, either alone or in combination, for violation of the Student Code of Conduct:

- Oral warning
- Written warning
- Notification to parents
- Reprimand
- Detention
- Time out
- Teacher conference
- Parent conference
- Referral to legal action, police
- Suspension from transportation
- Exclusion from a particular class
- Suspension from after school or extra-curricular activities such as newspaper, athletics, drama, music, etc.
- In-school suspension
- Suspension
- Permanent Suspension (Expulsion)
- Probation

Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students and/or employees on

school property, including school functions, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation.

Remedial responses to bullying, harassment and discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration
- Peer support groups
- Corrective instruction or other relevant learning or service experience
- Changes in class schedule
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student counseling
- Parent conferences

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Parent education seminars/workshops
- Peer support groups

If appropriate, disciplinary action will be implemented in accordance with the provisions of this Code. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, harassment and/or discrimination, to refer the student to designated resources for assistance and/or intervene in accordance with the provisions of this Code.

B. Procedures

In the case of a student charged with having violated the rules and regulations found in this Student Code of Conduct, the Principal of the school or his/her designee shall be authorized to determine whether a violation has occurred. Subsequently, any penalties authorized by law, including but not limited to a suspension for a period of up to five (5) school days, can be imposed by a Principal or his/her designee. In all cases, the student must be informed of the alleged misconduct and be given an opportunity to respond to the allegation(s).

Furthermore, to the extent necessary, the facts surrounding the alleged misconduct will be investigated by the Principal or his/her designee.

In determining the guilt or innocence of a student, the Principal or his/her designee shall not consider any information other than the evidence relevant to the guilt or innocence of the student with regard to the conduct with which the student is charged. If a student is determined by the

principal or his/her designee to have engaged in the conduct alleged, the student's parent(s) shall be so notified and shall be given the opportunity to attend an informal conference with the complaining witness(es), which, depending on the circumstances, may be the Principal or his/her designee, to discuss the misconduct and the proposed or imposed penalty. Parents and students should be aware that in the event the District determines that a student's conduct poses a danger or ongoing threat of disruption, the disciplinary penalty may be imposed prior to notifying the parent(s) and/or holding the informal conference. If a student's conduct is determined by the District not to pose a danger or ongoing threat of disruption, the student's parent(s) will be notified and given the opportunity for an informal conference to discuss the proposed disciplinary action prior to the imposition of such penalty. If a student is determined to be innocent of a disciplinary infraction, any reference to the alleged infraction or related proceedings shall be expunged from the student's school records.

In the event that the Principal determines that the violation warrants a penalty of a suspension for a period in excess of five (5) school days, the matter shall be referred to the Superintendent of Schools for a hearing pursuant to Section 3214 of the NYS Education Law. In such event, the parent(s)/guardians will be notified in writing as to the time and place of the hearing. Such notice shall be provided within a reasonable period of time prior to the hearing and shall provide reasonable notice as to the disciplinary charges upon which the hearing is based.

C. Specific Penalties or Actions

- **Detention:**

Teachers, Principals and the Superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

- **Suspension from transportation:**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Principal's or his/her designee's attention.

- **Suspension from athletic participation, extra-curricular activities and other privileges:**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a hearing pursuant to Education Law §3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference, as soon as practicable, with the District official imposing the suspension to discuss the conduct and the penalty involved.

- **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 Principals and the Superintendent to place students in "in-school suspension."

- A student subjected to an in-school suspension is not entitled to a hearing pursuant to Education Law §3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference, as soon as practicable, with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.
- **Teacher Disciplinary Removal of Disruptive Students:**

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 an elementary 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 guidance counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code of Conduct.

- 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 and/or repeatedly violates the teacher's classroom behavior rules.
- A classroom teacher may remove a disruptive student from class for the remainder of the class and up to two (2) additional days. The removal from class applies to the class of the removing teacher only. Prior to such removal, the teacher must provide the student with an explanation for why he or she is being removed and provide an opportunity to explain his or her version of the relevant events.
- The teacher must complete a District-established 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 his/her designee prior to the beginning of classes on the next school day.
- Within 24 hours after the student's removal, the Principal or another District administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to an informal conference with the Principal or his/her designee to discuss the reasons for the removal.
- 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 parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

- The Principal may require the teacher who ordered the removal to attend the informal conference.
- If at the informal meeting the student denies the charges, the Principal or his/her 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.
- The Principal or his/her 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.
- The Principal or his/her 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.
- Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
- Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class.
- 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.
- **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 themselves and/or others.
 - The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Principals.
 - Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral

warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

- The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation at a hearing, if applicable.
- **Short-term Suspension from School (five (5) days or fewer):**
 - When the Superintendent or Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally and provide him/her an opportunity to respond to the allegation(s). 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 unless the student’s conduct has been determined by the District to pose a danger, in which case the parent(s)/guardian(s) will be notified in writing that their child **has** been suspended. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.
 - The notice shall provide a reasonable description of the charges against the student and the incident for which suspension is proposed or imposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the informal conference, should the parent(s)/guardians so choose to attend, the parents/guardians shall be permitted to ask questions of the complaining witness(es) under such procedures as the Principal may establish. Parents should be aware that, depending on the circumstances, the Principal or his/her designee may be the complaining witness.
 - 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, in the discretion of the District, 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 informal conference, should the parent(s) choose to attend, the Principal shall promptly advise the parent(s) in writing of his or her decision. The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they may file a written appeal to the Superintendent within thirty (30) days of the date of the letter, unless they can show extraordinary circumstances precluding them from doing so. Parents should understand that the Superintendent will review the record regarding the matter, but will not meet with the parent, the student and/or advocates/attorneys regarding the appeal. The record is defined as those

documents and/or information used by the Principal or his/her designee in determining to suspend the student, i.e. no additional documentation and/or information will be considered on appeal. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they may file a written appeal to the Board of Education with the District Clerk within thirty (30) calendar days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Parents should understand that the Board of Education will review the record regarding the matter, but will not meet with the parent, the student and/or advocates/attorneys regarding the appeal.

- Suspensions in Excess of Five (5) School Days – Superintendent's Hearings:
 - When the Superintendent or Principal determines that a suspension for more than five (5) school days may be warranted, he or she shall give reasonable written notice to the student and the student's parent(s) of their right to a fair hearing pursuant to Education Law Section 3214. Such notice shall include that, at the hearing, the student has the right to be represented by counsel, the right to question witnesses against him or her, to present other evidence on his or her behalf and the right to present witnesses and/or testify him/herself.
 - 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 guilt or innocence of the student and the appropriate measure of discipline, if any, to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. Upon conclusion of the hearing, the Superintendent shall provide the parent(s)/guardian(s) with his/her written decision.

- Appeal of Superintendent's Decision:

If the student and/or parents/guardians disagree(s) with the decision of the Superintendent, he/she (they) have the right to appeal the decision to the Board of Education. Such appeal must be in writing and should include the reason(s) why he/she (they) believe the appeal should be granted. The appeal must be submitted within thirty (30) calendar days of the date of the Superintendent's decision to:

President, Board of Education
c/o District Clerk
Bronxville Union Free School District
177 Pondfield Road
Bronxville, New York 10708

The Board of Education will conduct a thorough review of the record to include:

- The transcript (recording) of the Superintendent's Hearing;
- The report and recommendations of the Superintendent or designated hearing officer and all exhibits submitted at the hearing;
- The written request for appeal.

*Note: The record does not include any other information and/or documentation which was not introduced at the hearing or used in determining whether to suspend the student.

Parents/guardians requesting a Board of Education appeal of the Superintendent's decision shall be provided with a written transcript or audio copy, whichever is available, of the Superintendent's Hearing upon remittance of the required fee for copying. Parents/guardians will also be provided with a written response from the District Clerk advising parents of the date that the Board of Education will conduct the appeal in executive session. During the appeal process, parents shall not contact the Superintendent or Board of Education members regarding this matter. Only final decisions of the Board may be appealed to the Commissioner of Education. If the student and/or parent/guardian disagree with the final written decision of the Board of Education, an appeal can be made to the Commissioner of Education. Such appeal must be in writing and submitted within thirty (30) calendar days of receipt of the Board of Education's decision by writing to the Commissioner of Education.

D. Minimum Period of Suspension

1. Students who bring a weapon to school:

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. 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/guardians and/or teachers
- Other extenuating circumstances

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

1. Any student, 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 (5) days. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent(s) will be given the same notice and opportunity for a hearing given to all students subject to a long term suspension.
2. The Superintendent has the authority to modify the five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

- Any student, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school for at least five (5) days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" 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, as applicable.

Note: For discipline concerning students identified with or presumed to have a disability, please see Section X.

VIII. Referrals

1. Counseling

2. Petitions

The District may file a PINS petition (person in need of supervision) in Family Court for 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 that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possessing 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:

Any student under the age of 16 who is found to have brought a firearm as defined by N.Y.S. penal law onto to school property. Possession of other weapons may also be referred, **except a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).**

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 ***under the Criminal Procedure Law §1.20(42)*** to the appropriate law enforcement authorities.

IX. Alternative Instruction

When a teacher removes a student of any age from class, 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 in accordance with Education

Law §3214. However, once a student is no longer of compulsory age, it shall be in the District's discretion whether to provide such alternative education to the student.

X. Discipline of Students with Disabilities

A principal may suspend a student identified as having a disability for a short-term (5 school days or less) in the same manner as he/she may suspend non-disabled students. In addition, the Superintendent may order the placement of a student with a disability into an Interim Alternate Educational Setting ("IAES"), which setting may include home instruction, for up to ten (10) days, inclusive of any period in which the student has been suspended or removed by the Principal for the same behavior, if the Superintendent determines in accordance with the procedures set forth in Education Law Section 3214 that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

A student identified as having a disability or is presumed to have a disability, as provided for in Part 200 of the rules and Regulations of the Commissioner of Education and/or a student identified as having a physical or mental impairment which substantially limits one or more major life activities pursuant to §504 of the Rehabilitation Act of 1973 ("504") or American with Disabilities Act ("ADA"), who is suspended for a period in excess of five school (5) days is entitled to a hearing in accordance with Education law §3214.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measure against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such nondisabled student is subjected to a disciplinary removal an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal state law and regulation. Until the expedited evaluation is completed, the nondisabled student who is not presumed to have a disability for disciplinary purposes shall remain in the educational placement determined by the district, which can include suspension.

The following rules shall apply before any disciplinary penalty may be imposed at a hearing for a student identified as having a disability or who is presumed to have a disability:

§504/ADA Disability

For a student solely with a disability under §504 or the ADA, the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was related to the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged, except in cases where the student has been found guilty of possession of a weapon and/or serious bodily injury. In such cases, the student may be placed in an IAES for a period of up to forty-five (45) days, as more fully set forth below in "Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury."

2. If no nexus is found, discipline may be imposed upon remand to the Superintendent or designated hearing officer pursuant to Education law §3214.

Individuals with Disabilities Education Act (IDEA Disability)

Before any change in placement, i.e. suspension in excess of ten (10) days, may be made for students classified as having a disability or presumed to have a disability, as provided for in Part 200 of the Rules and Regulations of the Commissioner of Education, a Manifestation team, composed of members of the District's Committee of Special Education ("CSE") must make a determination as to whether the conduct was a manifestation of the student's disability (or presumed disability).

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement if they cumulate to more than ten (10) school days in a school year. That determination will be made on a case-by-case basis in accordance with applicable laws. Among the factors to be considered in making this determination is the length of each suspension, whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, the proximity of the suspensions to one another and the total amount of time the student has been excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate education agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, if, as a result of receiving the information specified above:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not eligible as a student with a disability; pursuant to 200.4 or 200.16 of the Regulations of the Commissioner of Education.

Manifestation Determinations

A Manifestation Team shall include a representative of the school District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant

members of the CSE as determined by the parent and the school District. The parent must receive written notification within a reasonable time prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parents(s) of the purpose of the meeting, the names of the individuals expected to attend, and shall inform the parent(s) their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if;
 - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The conduct in question was a direct result of the school District's failure to implement the IEP.

If either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.4(d)(2)(a).

If the CSE meets to consider a change in placement in conjunction with the manifestation determination, prior written notice of such meeting must be provided to the parent(s) in a reasonable time before the meeting.

Discipline of Students with Disabilities when the Manifestation Team has made an Affirmative "Manifestation Finding"

When a disabled student's conduct is determined to be a manifestation of the child's disabling condition, such student may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or suspected of having a disability may be suspended and placed in an Interim Alternative Educational Setting ("IAES"), which may include home instruction, for up to forty-five (45) school days (less if the discipline for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property

or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person 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 and cannabis 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.

3. In accordance with law, the term “serious bodily injury” means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team or 504 multidisciplinary team must conduct a meeting to determine whether such conduct is related to the student’s disability placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student’s disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and

2. The CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by 8 NYCRR 201.11 of the Commissioner’s regulations, if:

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

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

2. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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

Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and/or to recommend an appropriate IAES where the child can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

XI. Corporal Punishment

The Rules of the Board of Regents prohibit any teacher, administrator, officer, employee or agent of the District from the use of corporal punishment and/or verbal abuse against a student. Corporal punishment means any act of physical force upon a student for the purpose of punishing that student, except as otherwise provided below.

Physical Restraints:

In situations where alternative methods cannot reasonably be used, the use of reasonable physical force is permitted, for the following purposes:

- (i) To protect oneself from physical injury.
- (ii) To protect another student or teacher or any person from physical injury;
- (iii) To protect the property of the school or others; or

(iv) To restrain or remove a student whose behavior is interfering with the orderly performance of school district functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts. In such cases, an administrator or designee will be authorized to remove such student from the school district function.

The use of aversive intervention is also prohibited, except in specific cases, subject to compliance with the procedures set out in the Commissioner's Regulations.

In compliance with the Commissioner's Regulations, the Board of Education hereby adopts the following procedures for the investigation of complaints about the use of corporal punishment by District personnel.

- District personnel receiving any such complaint shall file a written report with the **Superintendent of Schools or his designee** within three school days of the reported incident.
- The School District shall conduct and encourage appropriate staff members to attend seminars and workshops to update their knowledge of disciplinary rules and to discuss in detail the scope, application and elements of the offenses of such disciplinary rules. These seminar/workshops will be implemented in the regular monthly Principal's meetings or at other appropriate occasions, as necessary.
- The School District shall direct its administrators, teachers and other appropriate staff members to explain in any records, correspondence or other disciplinary documents, the specific behavior that constitutes a violation of the disciplinary rules and results in discipline against any student.

XII. Sexual Harassment

The Bronxville School District is committed to a collegial environment in which all individuals are treated with respect and dignity. Each individual has the right to work and study in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Therefore, the School District expects that all relationships among persons in the School District, including but not limited to employees, students, volunteers, and vendors, will be free of bias, prejudice, and harassment.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include, but are not limited to:

- Unwanted sexual advances
- Subtle or overt pressure for sexual favors
- Sexual jokes
- Innuendos
- Advances or propositions
- Verbal abuse of a sexual nature

- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Leering, whistling, touching, pinching, assault, coerced sex acts or suggestive, insulting, or obscene comments or gestures
- Display on school property of sexually suggestive objects or pictures
- Wearing sexually suggestive garments
- Other physical, verbal, or visual conduct of a sexual nature.

The School District encourages individuals who believe they are being harassed to promptly notify the offender that his/her behavior is unwelcome (recommended but not required). Students should discuss their concerns with any trusted member of the staff such as a teacher, nurse, Principal, or counselor. It should be recognized that the member of the staff *must* report the incident to the designated Title IX Officer.

The allegation will be investigated promptly by the designated Title IX Officer and may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or have relevant information.

Complaints will be kept confidential to the extent practicable and appropriate. Retaliation against an individual for reporting sexual harassment or in assisting in providing relevant information is a serious violation of this policy and will be treated with strict discipline.

Responsive action to sexual harassment may include: training, referral to counseling, and/or a range of disciplinary action including school suspension or termination of an employee.

If a party does not agree with the resolution of a complaint, that party may file written comments with the Superintendent. If the party does not agree with the Superintendent's resolution of the matter, the party may refer the matter to the President of the Board of Education for consideration by the entire Board of Education. A complainant has the legal right to file a complaint with the U.S. Equal Employment Opportunity Commission, the Office of Civil Rights of the Department of Education, and other agencies that enforce laws concerning discrimination.

XIII. Smoking/Tobacco

The Bronxville School District is a tobacco-free campus. Pursuant to federal and New York State law, smoking and/or use of tobacco is forbidden and *no* person, including visitors, shall smoke and/or use tobacco on school grounds (i.e., any school facility, building, structure, and surrounding outside grounds within the school's property), at school sponsored activities and field trips, on school buses or other vehicles transporting children.

XIV. 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. School officials questioning students shall advise such student why he/she is being questioned.

However, parents and students should be aware that school officials are under no obligation to contact a student's parent/guardian prior to questioning the student nor are students entitled to be

advised of their legal rights, i.e. “Miranda” warning, prior to any questioning by a school official, as such rights only apply to situations where an individual is being questioned while in the custody of the police.

An authorized school official may conduct a search of a student and/or his/her belongings so long as the school official has a legitimate reason for the search. Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

- Student Lockers, Desks and other School Storage Places

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.

- Documentation of Searches

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

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

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

- 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 Principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall be conducted only under exigent circumstances. The Principal or his/her designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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.

- Child Protective Services (CPS) 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, maltreated or neglected; 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.

The school Principal or his/her designee may consent to allow such an interview on the school premises. All requests by Child Protective Services to interview a student on school property shall be made directly to Principal or his/her designee. The Principal or his/her designee shall set the time and place of the interview. The Principal or his/her designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or school District official of the opposite sex.

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

XV. Visitors to the Schools

The Board welcomes parents and community members to visit the District's schools. In an effort to limit disruptions to learning, such visitations shall be at the discretion of the building administration. No visitor will be allowed in the District's schools without the permission of the building principal or his/her designee. In addition, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors must obtain permission from the building principal or his/her designee prior to visiting the District's schools.
- All visitors to the school must report to a security desk upon arrival at the school and show proper identification. There they will be required to sign the visitor's register and will be issued a visitor's pass, which must be worn at all times while in the school or on school grounds.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register with the main office.
- 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.
- All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.
- Student visitors to school must apply for permission from the appropriate official in accordance with the building Code of Conduct.

XVI. 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 of Conduct, "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 of Conduct 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 of Conduct 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 and must adhere to the guidelines set forth in section IV of this Code of Conduct.

XVII. Misuse of Electronic Media

Students in the Bronxville School District are now able to receive vast amounts of information through our computer networks and the Internet. The Internet represents a massive set of computer databases and networks around the world, which are made available to our students in all schools. Contact can be made with students in other schools within the District, to students in other Districts, in other cities, and in other countries around the world. Massive amounts of information are available in text, photographs, and sound from local agencies and governments, to universities, people, and businesses in every corner of the globe.

Parents should set appropriate guidelines for the use of such technology within the home. The school District must also set guidelines for technology use within the schools to assure the proper use of materials on the Internet, to prevent inappropriate materials from being used in the school setting, and to ensure that all laws appropriate to such information be followed.

With the world now “at the fingertips” of our students, it is most important that the information, programs, and telecommunications made possible by technology, be used in a constructive, educational, safe, and legal manner. Students must know that with power comes responsibility.

Students are required to follow the Acceptable Use Policy in effect in the District. It should be recognized that not all materials found on the Internet are appropriate for students and the District will make attempts to prevent such material from being accessed on our computers. While such material may be a small amount of the information available on the Internet, it does exist. If you have a question or concern regarding such material, please contact the District Technology Coordinator.

While we believe our students will use our technology in a responsible manner, for those who do not do so, consequences will follow. Those consequences can range from the suspension of the use of the Internet and/or network, and/or computers within the school District, to a Superintendent's hearing.

Police will be notified if an electronic media crime has taken place.

Photography: Taking photographs on school grounds, during school hours, using a video camera, digital camera, cell phone, or any other photographic device, without the consent of those individual(s) being videotaped/photographed or without an otherwise valid school purpose, is prohibited. Prior to taking video/photographs for any other reason, using any of the above methods, consent shall be obtained from the Principal or his/her designee.

XVIII. Use of Electronic Devices

Cell Phones, I-Pods and other Electronic Devices: The use of these items by students will be subject to the discretion of the building principal or his/her designee.

XIX. Dissemination of Code of Conduct:

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

1. Posting the complete Code of Conduct on the District website, including any annual updates and other amendments to the Code;
2. Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, and reviewing the Code of Conduct at a school assembly to be held at the beginning of each school year;
3. Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
4. Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and

5. Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

XX. In-Service Education

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.. 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. On-going professional development will be included in the District's professional development plan, as needed.

Community of Acceptance

The Board of Education believes we have a responsibility to focus on creating an educational environment that is a community of acceptance, free of hostile or harassing conduct (verbal, physical, graphic or written), bullying and discrimination among students, teachers, administrators, staff, and parents. This policy of nondiscrimination includes, but is not limited to: creating a community of acceptance that provides opportunities in the curriculum, classroom, sports, after-school activities, and a character education program to explore and celebrate differences and strengths of culture, race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and other differences, to examine and appreciate respective contributions to society, history and scholarship.

Identification of Dignity Act Coordinators

Staff members will be appointed by the Board as Dignity Act Coordinators on an annual basis. Contact information will be posted on the website and distributed to students and families at the beginning of each school year.

Citation: Individuals with Disabilities Education Act

Policy Adopted: March 17, 1986

Policy Amended: January 23, 1989

Policy Amended: January 28, 1991

Policy Amended: July 10, 2000

Policy Amended: December 17, 2001

Policy Amended: October 18, 2012

First Reading: December 16, 2014

Policy Reviewed (Policy Numbering Change): February 12, 2015

Appendix I

STUDENT DRESS CODE

The Bronxville School District has always been proud of the discretion and good taste our students have demonstrated in their personal appearance. We expect all students to continue to give proper attention to personal cleanliness and to dress and groom themselves in an appropriate manner for school.

The following standards of dress have been drafted to assist students in making appropriate choices concerning their personal attire at school.

- Wear apparel and accessories that are safe, appropriate and do not interfere with or disrupt the education process.
- Ensure that underwear is covered with outer clothing.
- Wear footwear in the building and on campus.
- Avoid wearing extremely brief garments such as tube tops, shirts or tops with plunging necklines (front and/or back), micro-minis, outfits designed to show bare midriffs, see-through garments, or other apparel that is extremely revealing or provocative.
- Avoid wearing items that are vulgar, obscene, or libelous or that denigrate others on the basis of race, color, religion, creed, national origin, gender, sexual orientation, or disability.
- Avoid clothing that promotes, endorses or makes reference to the use of alcohol, tobacco, illegal drugs, sexual acts or violent activities.

Note: Different guidelines, when necessary, will be provided concerning student dress at special events (e.g. Halloween, proms, dances, etc.)

Each 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 the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.