CODE OF CONDUCT
Secondary

The Board of Education ("Board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("Code").

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

CODE OF STUDENT CONDUCT

The code of Student Conduct is an expression of the positive student behaviors that the Board of Education, the staff and community hope to instill in our young people. The majority of our students are responsible and well-behaved young citizens, and follow the rules and regulations in appropriate fashion. In order to foster the best possible learning environment, the Code provides a structure whereby students can receive assistance and guidance from appropriate sources when conduct becomes unacceptable.

All examples, procedures and disciplinary responses are applicable during school, on school buses, during school-sponsored field trips, including school activities on weekends and/or evenings. Infractions by students with disabilities will be subject to the Code as well as treated in accordance with the law. This code is to be used as a guideline for administrators to determine appropriate consequences based upon individual circumstances.

STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition to those rights, all district students have the right to:

1. A safe, healthy, orderly and civil school environment
2. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability
3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel

B. STUDENT RESPONSIBILITIES

All district students have the responsibility to:

1. 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.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. 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.

PROCEDURES AND PENALTIES FOR CLASS I OFFENSES

The resolution of Class I offenses will be the initial responsibility of the teacher observing the infraction. If the teacher is unable to resolve the problem by conferencing with the student, involving guidance or notifying the parent, the teacher will forward a written referral to the Dean of Students. Should it be necessary to remove the student from class, the teacher may request that the Dean or assistant principal remove the student or send the student to the Dean with a written referral. If the matter is referred

to the Dean of Students' office, one or more of the following penalties may be invoked: student conference, parental conference, lunch detention, after school detention; ISS (In School Suspension); loss of privileges pertaining to the offense for a specified time. Students may also be subject to the loss of participation in extracurricular activities and the loss of bus privileges.

Examples of Class I Offenses may include:

1. Disruptive or unacceptable behavior in class, lunch, between periods or on bus
2. Failure to follow school rules as specified in the student handbook or specific directions of staff
3. Inappropriate language or gestures towards students
4. Repeated lateness to class
5. Unauthorized use of electronic devices i.e. (cellphones, iPods, etc.) on school grounds. The device will be confiscated.
6. Unauthorized lateness to school
7. Unauthorized presence/trespassing in an area
8. Loitering in hallways during school and after school
9. Leaving class without corridor pass from the teacher
10. Failure to sign into school
11. Lying to school personnel
12. Leaving school property without permission
13. Unauthorized absence or aiding a student's unauthorized absence from class
14. Mock fighting or horseplay that endangers others
15. Inappropriate attire or bookbags that advertise or advocate the use of drugs, alcohol or tobacco – Clothing or bookbags with writing and pictures that are offensive, obscene, suggestive or depict violence are unacceptable
16. Hats and coats are not to be worn in the school building during school hours. In addition, middle school students may not wear or carry bookbags during school hours.

PROCEDURES AND PENALTIES FOR CLASS II OFFENSES

All school employees will report Class II offenses to the Dean's office. The Principal will be informed. The Dean or Assistant Principal may remove the student from instruction. The matter will be investigated and appropriate action initiated. The parent/guardian will be notified in writing and with a phone call. At the parent's request a disciplinary conference may be held at the school. The conference will be to inform the parent of the nature of the offense and the planned action of the school.

Dependent upon the offense, one or more of the following penalties may be invoked: student conference, parent conference, after school detention, one or more days in In

School Suspension (ISS); loss of privileges pertaining to the offense for a specified time; Out of School Suspension – one or more days suspension pending parent conference. Students may also be subject to the loss of participation in extracurricular activities and to the loss of bus privileges.

Examples of Class II Offenses may be:

1. Cheating/Forgery/Plagiarism
2. Disorderly conduct – refers to the use of abusive or obscene language, including racial, ethnic or sexual remarks and obscene gestures, in an effort to annoy or defy staff members and other students
3. Failure to serve detention
4. Failure to comply with the school/district dress code after warning –
5. Vandalism – results in the destruction or defacing of school property, computers, lockers and other student's personal property. Full restitution may be required.
6. Insubordination – "Failing to comply with the directions of teachers, school administrators or other school employees in charge of the student." (East Meadow Board of Education Policy #5312)
7. Misconduct during office detention
8. Repeated class one offenses
9. Possessing/selling/using or sharing a cigarette, E-cigarette, cigar, pipe or using chewing or smokeless tobacco
10. Truancy
11. Unauthorized use of school equipment
12. Failure to identify oneself upon request/failure to report to Dean's, Assistant Principal's, main office or ISS when instructed to do so by school personnel
13. Improper use of technology/violation of Internet policy
14. Possession/use of any laser emitting device – This will be confiscated.
15. Gambling
16. Obstructing vehicular or pedestrian traffic

PROCEDURES AND PENALTIES FOR CLASS III OFFENSES

Class III offenses shall be immediately reported to the Building Principal. Where indicated, the police and/or other appropriate authorities will be notified. The matter will be investigated. The parent/guardian will be informed in writing and with a phone call. The parent/guardian may request the opportunity for an informal conference with the principal. The purpose of the conference will be to inform the parent of the nature of the offense and the planned action of the school. Prior to the hearing, the student will be removed from class and not permitted to return to school until the parent conference takes place. The student may be suspended for up to five days by the Building

Principal. Students may be subject to the loss of participation in extra-curricular activities. A recommendation by the principal will be made to the Superintendent as to the need for further disciplinary action. A Superintendent's hearing may follow resulting in further disciplinary action.

Examples of Class III Offenses may include:

1. Engaging in any conduct that endangers the safety, physical or mental health, or welfare of others
2. Activating a fire alarm
3. Assaulting a staff member or student – engaging in fighting, violent, tumultuous or threatening behavior toward a staff member or student
4. Bomb threat
5. Possession of a weapon
6. Disorderly conduct – engaging in fighting, violent, tumultuous or threatening behavior while in school or during athletic events as either spectator or member of the team
7. Gross insubordination – "Hostility, physical or verbal, in failing to comply with the directions of teachers, school administrators or other school employees in charge of the student." (East Meadow Board of Education Policy #5312)
8. Sexual misconduct – engaging in inappropriate or illegal physical contact of a sexual nature
9. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity or expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others
10. Harassment, which includes a sufficiently severe action or 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. Harassment is also the creation of a hostile environment
11. Possession/sale/use or promotion of: depressant, stimulant, alcohol, hallucinogenic, narcotic drug, drug paraphernalia, or any synthetic, imitation or "look alike" drug including, but not limited to, synthetic cannabinoids.
12. Possessing/selling/using or sharing prescription or over-the-counter drugs.
13. Possession/sale/use of fireworks, smoke or stink bombs, percussion caps, etc.
14. Possession/use of a chemical spray device
15. The destruction or theft of school property and/or the property of others
16. Hazing, which includes an induction, initiation or membership process involving harassment

17. *Cyberbullying – Cyberbullying is the use of electronic information and communication devices such as e-mail, instant messaging, texting, mobile/camera phones, and defamatory websites to bully or otherwise harass an individual or group through personal attacks or other means thereby inflicting willful and repeated harm through the use of electronic text.

18. *Threatening, hazing or harassing students or school personnel over the internet.

19. *Inappropriate use of social networking websites such as blogs, Myspace, Facebook, YouTube, chat rooms, video or links to inappropriate multimedia material to convey threats, derogatory comments, inappropriate pictures or inappropriate written material about students or school personnel.

***Please note that such misconduct performed off campus will be addressed if and when that conduct interferes with or can reasonably be expected to substantially disrupt the educational process in the school or at a school function and/or endangers the safety, morals, physical or mental health or welfare of others.**

IN SCHOOL SUSPENSION

In School Suspension is supervised by the administration and staff. Students are assigned to ISS only by the Building Principal, Assistant Principal or the Dean of Students. The administration may place a student within ISS for a short period of time while a matter is being resolved, or the student may be assigned to ISS for one or more periods or for a number of days. The student's teachers will provide instructional materials during the time that he/she is in ISS.

The student must utilize this time in a productive manner, making up the work missed while in the detention center.

The rules for ISS are as follows:

1. Students must come prepared to work for the entire day.
2. Students will not be allowed out of the ISS room except to use the restrooms.
3. Students must bring all their books and supplies with them at the start of the day.
4. Students are prohibited from attending all extra-curricular activities and sporting events for that day.

5. The rule of silence will be in effect for the entire day, except for teacher-student interaction.
6. Disruptive behavior will be reported to the principal or designee and result in an out of school suspension. Upon return from suspension, the student must make up the day in ISS on the following day.
7. Assignments from regular classroom instructors will be provided. All assignments must be completed by the end of the day to be considered by the subject area teachers.
8. A student who does not produce work while in the School Center for Detention and Instruction will be subject to additional discipline which may include:

    1. Extending their ISS assignment
    2. Out of school suspension
    3. Assigning additional work/time

9. Lunch: Brown bag lunch is preferred. Student will eat lunch in the ISS room.

In the event that a student is absent on the day that he/she is assigned ISS, the student will report to ISS the next day.

OUT OF SCHOOL SUSPENSION

When a student has been assigned to out of school suspension, the student:

1. May not return to East Meadow School District grounds during the period of suspension
2. Must complete all assignments. Assignments from regular classroom instructors will be provided.
3. Must demonstrate good behavior when meeting with the assigned home instructor
4. Must meet with Principal's Designee for a post suspension conference
5. Will be provided with home tutoring in a timely manner pursuant to Education Law §3214.

Infractions by students with disabilities will be subject to the Code as well as treated in accordance with the law. This code is to be used as a guideline for administrators to determine appropriate consequences based upon individual circumstances.

DRESS

Students should dress appropriately for school activities, and should be assisted in making choices regarding appropriate dress with the help of their parents. Some items of clothing are more suited for home play activities rather than school situations.

Articles of clothing that are deemed objectionable in style, wording, etc., by the school staff will be replaced by more suitable clothing. Parents will be contacted in this situation to assist in resolving the problem.

Parents will be notified and asked to bring appropriate clothing if their child/children are in violation of any of the following guidelines:

- No see-through clothing is permitted.
- No gang related clothing or paraphernalia.
- Clothing should be the appropriate length.
- Clothing should be size and seasonally appropriate.

Shirts

- Shirts will not be worn that display or promote chemical substance abuse, alcohol, tobacco, heavy metal or satanic symbols or representations, or inappropriate or offensive language.
- Shirts will be full length

- Shirts and blouses should be continuous from neckline to waist. The entire mid-section should be covered. No muscle shirts. Muscle shirts are defined as shirts with large armholes and neckholes.
- Children should consider a “muscle shirt” as gym attire only.
- Tank tops should not be worn by any student.
- Children should not wear halter tops, tube tops, spaghetti straps or midriff exposing blouses. Tops which are closed or secured with ties or strings are not permitted since these may become undone.

Shoes

- Appropriate shoes must be worn. (Shoes deemed inappropriate include high heels, flip-flops and unattached sandals.)
- Clogs and backless sandals should not be worn.
- Shoes should be considered safe for various school activities, including playtime after lunch.

Shorts

- Shorts may be worn during warm weather in the fall and spring of the school year (September, May and June) as long as they are not "short" shorts. We recommend shorts which are mid thigh length for students in all grades.
- Short shorts, or biker shorts (spandex) are not to be worn by students.

Pants

- Pants should be secured at waist - no sagging below waist to expose undergarments.
- Tights, stretch pants, leggings and spandex body suits should not be worn.

Skirts/Dresses

- Skirts, dresses and shorts should be no shorter than approximately three (3) inches above the knees.

Hats

- Headdresses can be worn indoors for religious or health reasons only.
- Hats are not to be worn inside.

DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

A. AUTHORIZED SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

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

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

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

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

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

    a. The Board, the District (BOCES) Superintendent of Schools or a Building Principal delegated the authority to suspend students may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
    b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that

the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student possesses or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

(1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except…[for] a pocket knife with a blade of less than 2 ½ inches in length."

(2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

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

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

B. CHANGE OF PLACEMENT RULE

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

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

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

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:

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

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

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

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

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

   a. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
   b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

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

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

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

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

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

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

D. EXPEDITED DUE PROCESS HEARINGS

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

    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.

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

student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

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

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

E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

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

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

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