



CHATHAM CENTRAL SCHOOLS

# CODE OF CONDUCT

Adopted by  
the Board Of Education:

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## Table of Contents

I.	Introduction.....	1
II.	Definitions.....	2
III.	Students Rights and Responsibilities .....	3
IV.	Essential Partners .....	4
V.	Student Dress Code .....	5
VI.	Prohibited Student Conduct .....	6
VII.	Reporting Violations.....	9
VIII.	Disciplinary Procedures, Penalties, and Referrals .....	9
IX.	Discipline of Students with Disabilities.....	16
X.	Corporal Punishment .....	21
XI.	Student Searches and Interrogations .....	22
XII.	Visitors to Schools .....	22
XIII.	Public Conduct on School Property .....	23
XIV.	Publication, Distribution, and Review .....	25

# **Code of Conduct**

## **I. Introduction**

It is the goal of the Chatham Central School District to maintain a productive, exciting, and wholesome learning environment that promotes our District mission, our students' ability to learn, and our teachers' capacity to teach. All students are expected 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. It is expected that students care for school facilities and equipment. Students are accountable for their own behavior, and it is the obligation of the faculty and staff to assist students in developing that understanding.

## II. Definitions

The following definitions apply to this code of conduct:

- **“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.
- **“Disruptive student”** means any student under the age of twenty-one who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
- **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- **“Parent”** means parent, guardian, or person in parental relation to a student.
- **“School function”** means any District/school-sponsored extracurricular event or activity.
- **“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or a school bus, as defined in Vehicle and Traffic Law S142.
- **“Suspension”** means the act of a Building Principal (or acting building principal), Superintendent of Schools, District Superintendent or Board of Education in discontinuing the presence of a student from his/her regular classes. A short term suspension is from 1 to 5 days in duration. A long term suspension is greater than 5 days.
- **“Violent student”** means a student under the age of twenty one who:
  1. Commits, while on District property or at a school function, an act of violence upon a District/school employee, another student, or any other person lawfully on school property or at the District/school function, or attempts to do so.
  2. Displays or possesses, while on District/school property or at a District/school function, what appears to be a weapon.
  3. Threatens, while on District/school property or at a school function, to use a weapon.

4. Knowingly and intentionally damages or destroys District/school property, the personal property of any District/school employee or any person lawfully on District/school property or at a District/school function.
- **“Weapon”** means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also means a BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, or substance that can cause physical injury or death when used to cause physical injury or death.

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

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

The Chatham Central School District is committed to safeguarding the rights given to every student under state and federal law. In addition, to promote a safe, healthy, orderly, and courteous school environment, every student has the right to:

1. Receive an education which is based on his/her individual needs.
2. Receive an education which is based on responsibilities as well as rights.
3. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, or disability.
4. Privacy of information. The disclosure of student information and limitations of such is governed by the Family Education Rights and Privacy Act of 1974. The District will not disclose any information from a student’s permanent records except when such disclosures will serve a legitimate educational need or when so directed by legal authorities.
5. Express their opinions verbally. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves. The use of obscenities and personal attacks are prohibited.

6. Express their opinions in writing. Such written expressions must be signed by the author(s). Libel, obscenities, and personal attacks are prohibited in all publications. Student participation in the publication of student newspapers, yearbooks, literary magazines, and similar publications is encouraged by the Chatham Central School District.

## **B. Student Responsibilities**

All students have the responsibility to:

1. Contribute to maintaining a safe, orderly, healthy and courteous environment that is conducive to learning.
2. Be familiar with and abide by all provisions and expectations contained in the student handbooks.
3. Accept responsibility for their actions.
4. Conduct themselves as representatives of the District when participating in or attending District/school-sponsored events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **IV. Essential Partners**

### **A. Parents**

Parents play a key role in establishing a positive school environment by modeling an attitude of respect for learning and support for the school. By maintaining a home environment that is orderly and guided by positive but firm guidelines, parents can assist their children to approach the school experience with an understanding of expectations which emphasize respect for the rights of others, and for positive, appropriate behavior. Parents also play an active role in working with and supporting school staff through awareness, understanding and support of the Code of Conduct. Therefore, all parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Assist their child(ren) in understanding that in a democratic society rules are required to maintain a safe, orderly environment.
3. Send their child(ren) to school ready to learn.
4. Ensure their child(ren) attend school regularly.
5. Have their child(ren) dress in a manner consistent with the student dress code.

## **B. Faculty/Staff**

Consistent implementation of the Code of Conduct is critical to a positive, orderly classroom and school atmosphere. In this regard, faculty and staff play a key role. They have the responsibility to establish and maintain positive, effective, and consistent management techniques which result in involving and motivating students. They must also work closely with students to assure their understanding of the Code of Conduct. Therefore, all faculty/staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concepts and promote their confidence in their ability to learn.
2. Demonstrate interest in learning and concern for student achievement.

## **C. Administrators**

Administrators and their designees are responsible for promoting a supportive and positive school environment, and for implementing the Code of Conduct in a fair and consistent manner.

## **D. Superintendent**

The Superintendent or designee is ultimately responsible for the consistent implementation of the District-wide Code of Conduct and has the responsibility to assure that students receive all due process provisions, as contained within Section 3214 of State Education Law. The Superintendent will serve as the hearing officer in those disciplinary issues that cannot be resolved at the building level.

## **E. Board of Education**

The Board of Education adopts the District Code of Conduct. Board members are to collaborate with students, members of parent organizations, faculty/staff members, and administrators to develop a code of conduct that clearly defines expectations for the conduct of students. The District Code of Conduct must include a procedure for hearing grievances relating to disciplinary action, so that the rights of all individuals are protected.

## **V. Student Dress**

Students are to dress and groom themselves in an appropriate manner. Any dress or appearance that clearly constitutes a threat or danger to the health and safety of students or constitutes a disruption to the educational process shall be prohibited. Students may be required to dress in an

appropriate manner on special occasions (i.e. concert performances, graduation ceremonies).

*It is the intent of the District that students be dressed in a manner that allows them to participate in the school program and/or school activities without creating safety issues or distractions and without clothing being revealing.*

*To achieve that goal, students may not:*

- Wear clothing or body writing that bears wording or pictures that depict, promote, advertise, or encourage the use of drugs, alcohol, tobacco products, weapons, violence, obscene language, sexual conduct, ethnic/gender bias or prejudicial statements or that is in any way demonstrably disruptive of the educational program
- Wear revealing clothing including, but not limited to, halter tops, clothing made of mesh material, *shorts, skorts, skirts and dresses that do not reach mid-thigh, pajama tops or pants, tops/bottoms which expose the midriff, or pants or shorts with holes above the knees or with side seams cut open*
- Wear clothing so that undergarments are exposed
- Wear hanging chains, spike collars, spiked rings, or spiked bracelets, or safety pins used in nontraditional ways
- Wear hats, kerchiefs, bandanas, coats, jackets, visors and other types of outerwear while in school buildings.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offensive 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.

## **VI. Prohibited Student Conduct**

The District recognizes the need to make its expectations for student conduct specific and clear. Although we recognize that each instance of violation of this Code of Conduct will require consideration and treatment, there are some general guidelines, as listed below, that will apply consistently. It is also expected that guests on District property behave in a manner consistent with our guidelines.

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

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

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building other than the one they regularly attend without permission from the administrator in charge of the building. The school day is defined as the time when the building is opened for student access until the end of classes. Student presence on school grounds before or after these times is expected to be related to an official or supervised school activity, with administrative permission, or with the supervision of a parent or guardian. Unsupervised students who are loitering or engaging in inappropriate behavior will not be allowed to remain on school grounds before and after the school day.
7. Misusing computer/electronic communications including any unauthorized use of computers, *cell phones or social networking devices*, software, or internet/intranet accounts; accessing inappropriate websites, or violating the District's acceptable use policy.
8. Inappropriate physical contact (e.g., public displays of affection, including but not limited to kissing, groping, petting, sexually suggestive actions, etc.)

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

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

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other staff member or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have weapons in their possession while on school property or at a school function.

4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon *or to use any object as a weapon*.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including damage caused by graffiti or arson.
  7. Intentionally damaging or destroying school district property.
- D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
  2. Defaming, 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.
  3. Discriminating *or demonstrating prejudice*, , which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner.
  4. **Bullying** and harassing, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which is intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  5. Intimidating or threatening which include engaging in actions or statements that put an individual in fear of bodily harm.
  6. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club, or team.
  7. Selling or possessing obscene material.
  8. Using vulgar or abusive language, cursing, or swearing.
  9. Smoking a cigarette, cigar, or pipe or using chewing or smokeless tobacco.
  10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  11. Inappropriately using or sharing prescription and over-the-counter drugs.
  12. Gambling.

13. Engaging in indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. Initiating a report which warns of fire or other catastrophe without valid cause, misusing 911, or discharging a fire extinguisher.
15. *Sexting, which includes possessing or sending sexually explicit text or images by cell phone or other electronic means.*

E Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. ***Students must show respect for one another, and older students must behave in a manner that is appropriate for the safety and well-being of younger students.*** Excessive noise, pushing, shoving, and fighting will not be tolerated.

F. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarizing.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

## **VII. Reporting Violations**

All students are expected to report violations of the Code of Conduct to a teacher, staff member, counselor, administrator or designee. Staff who are authorized to impose discipline are expected to do so in a prompt, fair, and lawful manner.

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, followed by notification to the Superintendent and to the parent of the student or students involved. Notice of the disciplinary action shall also be given. It may include permanent suspension and referral for prosecution.

The building principal or designee must notify, as soon as possible, the appropriate local law enforcement agency and/or human service agency of code violations that constitute a crime or require the filing of a Juvenile Delinquency Petition or Person in Need of Supervision Petition.

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

Disciplinary action will be fair, firm, and consistent. In determining the appropriate disciplinary action, the administrator or person authorized to impose disciplinary action will use discretion. Consideration of actions will take into account student age, the nature

of the offense, prior disciplinary record and when appropriate, information from others. As a general rule, discipline will be progressive with the first violation met with a lighter penalty than subsequent violations.

Should the student have a disability and the conduct relates to the disability, the student will be referred to the Committee on Special Education for a manifestation hearing. Discipline will be administered consistent with established procedures.

#### **A. Penalties**

1. Students who have violated the Code of Conduct may be subject to the following penalties\*:

- a. Oral Warning
- b. Written Warning
- c. Written Notification of violation to parent
- d. Detention
- e. Suspension (short-term, long term)
- f. Suspension from transportation
- g. Suspension from athletic participation
- h. Suspension from social or extracurricular activities
- i. Suspension of other privileges
- j. Removal from classroom
- k. Expulsion

\*A penalty may be imposed consistent with a student's right to due process.

2. Students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, or are excessively violent will face a minimum suspension period not shorter than the short-term suspension period as defined herein. This mandatory suspension period may however be reduced on a case-by-case basis to be consistent with any other State or Federal laws.

3. *Students who bring a weapon to school will be automatically suspended for one year. The superintendent has the right to modify this on a case by case basis.*

#### **B. Parent and Student Notification**

School personnel authorized to impose a penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their versions of the facts. *Parents will be notified of violations of the Code of Conduct beyond the classroom level by a written referral and/or a phone call.*

### **C. Detention**

After school detention may be used for misconduct in situations where removal from a class would be inappropriate.

### **D. Suspension from Transportation**

Students who become serious disciplinary problems may have their riding privileges suspended by the building principal or designee. The student's parent then will become responsible for seeing that his or her child gets to and from school safely.

### **E. Suspension from Athletic Participation, Extra-Curricular Activities, and Other Privileges**

The student and parent will be provided a reasonable opportunity for an informal conference with the District/school official imposing the suspension to discuss the behavior, the athletic code of conduct, and the penalty involved.

### **F. In-School Suspension**

The Board of Education authorizes building principals to place students who would otherwise be out-of-school suspended from school in "in-school suspension," when balancing the need of students to attend school and the need for order in the classroom.

A student is not entitled to a full hearing pursuant to Education Law S3213 for in-school suspension but will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and penalty involved.

### **G. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make learning difficult for other students. A teacher can control students' behavior using good classroom management techniques including, but not limited to: time-out, or sending a student to district support members for counseling. When a student's behavior becomes disruptive and substantially interferes with the teacher's authority in the classroom and the student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the classroom behavior rules, a classroom teacher may remove a student for up to three days. This removal from class applies to the class of the removing teacher only. Removal may occur after a discussion with the student who will be provided with an explanation of why he or she is being removed and given an opportunity to explain his or her version of the relevant events before being removed. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four hours. The teacher must

complete a referral form and meet with the principal or designee as soon as possible, but no later than the end of the school day. Within twenty-four hours, the principal will notify the parent, in writing, that the student has been removed from class and state why. The notice must inform the parent that he or she has the right to meet with the principal or designee to discuss the reasons for the removal. The principal may require the teacher who ordered the removal to attend the conference. The informal meeting must be held within forty-eight hours of the student's removal, or time may be extended by mutual agreement of the principal and parent.

The principal or designee may overturn the removal of the student if the principal finds that the charges against the student are not supported by substantial evidence, the student's removal is otherwise in violation of law or the conduct warrants suspension from school.

#### **H. *Out of School Suspension***

*The Board of Education, District Superintendent, Superintendent of Schools, a Building Principal or in his/her absence, an acting Building Principal, may suspend a student from school where it is determined that the student:*

- *is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or*
- *exhibits a physical or mental condition(s) which endangers the health, safety or morals of himself/herself or of other students; or*

*In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed in this Code of Conduct.*

##### **1. *Pre-suspension Process***

*Prior to being suspended from school, the student shall be confronted by a school official empowered to suspend, as referenced above, at which time the evidence upon which the decision to suspend is based shall be stated to the student and the student shall be given the opportunity to explain his/her version of the facts. The student shall also be afforded the right to present other persons to the suspending authority in support of his/her version of the facts. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, such confrontation shall occur following suspension, as soon thereafter as is reasonably practicable. There shall be no suspension until after the informal Principal's conference, unless waived below or unless the student is dangerous or an ongoing threat of disruption to the academic process.*

## **2. Short Term Suspension Process**

*Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing, by personal delivery, express mail or overnight service, and by telephone, if possible, within 24 hours of the decision to propose suspension or suspend. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal at which the student and/or his/her parent may present the student's version of the event and ask questions of complaining witnesses. Upon such request, an informal conference with the Principal and other parties involved shall be convened as soon as possible. The right to an informal conference with the Principal shall also extend to a student if 18 years of age or older. The notice and informal conference shall be in the dominant language or mode of communication used by the parent. If the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.*

*Any appeal brought by the parent of any student or by a student over the age of 18 of a Principal's suspension must be presented to the Board of Education prior to filing any further appeal.*

## **3. The Long-term Suspension Process: Suspension for More than Five Days**

*Any suspension from school in excess of five school days shall be considered a long-term suspension. Unless there is a written agreement between the person requesting the suspension and the parent, a long-term suspension may be done only after the Superintendent of Schools or the Board of Education has conducted a hearing.*

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

## **4. Hearing Procedures**

### *Notice of Hearing*

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

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

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

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

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

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

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

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

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

*The Hearing Officer shall inform the parties:*

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

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

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

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

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

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

#### *Alternative Instruction*

*Pursuant to the Education Law, no student shall be suspended from school in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of home instruction or instruction in an alternative setting. Such instruction shall be of an equivalent nature to that provided in the student's regularly scheduled classes. A good faith effort shall be made to provide such alternative instruction immediately.*

*In the event that a student within the compulsory education ages of six and the school year in which s/he becomes 16 is suspended from school in excess of five school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.*

## *Appeals Process*

*The decision of the Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination may be appealed to the Board of Education. The Board shall review the record of the proceedings before the Superintendent or his/her designated Hearing Officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any. The Board does not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.*

*In the event that the initial long-term suspension hearing was conducted by the Board or its designated Hearing Officer, or where the Board has ruled on an appeal from a Superintendent's long-term suspension hearing, the matter may be further appealed.*

## **IX. Discipline of Students with Disabilities**

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

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

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

1. For purposes of this section of the Code of Conduct, the following definitions apply.

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

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

An "IAES" means a temporary educational placement for a period of up to forty-five 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 of Education, the Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, into 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 ten 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 forty-five days, if the student carries or possesses 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.
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 forty-five 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 ten consecutive school days, or
  - b. for a period of ten 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 ten 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 ten 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 ten 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 shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an

informal conference available to parents of non-disabled students under the Education Law.

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

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

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

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:

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

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in and 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, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within fifteen 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 forty-five 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.

#### **X. Corporal Punishment**

Corporal punishment is an act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any Chatham Central School District employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force can not reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any other person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of District functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.

## **XI. Student Searches and Interrogations**

### **Searches**

The Chatham Board of Education and the school authorities are committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, the Board authorizes the Superintendent, building principals, and assistant principals to conduct searches of students and their belongings, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

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 when such search is based upon reasonable suspicion.

### **Interrogation of Students by Police**

The Chatham Central School 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. Police officials may enter school property to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students must be informed of their legal rights, which include the right to remain silent and the right to request the presence of an attorney.

## **XII. Visitors to Schools\***

The Chatham Board of Education and staff of the District encourages parents and other District citizens to visit the schools. The building principal or his/her designee is responsible for all persons in the building and on the grounds. Anyone who is not a

regular staff member or student of the school will be considered a visitor. The following rules apply to visitors:

1. All visitors must report to the main office upon arrival at the school. There they will be required to sign the visitors' register and will be issued a visitors' identification badge, which must be worn at all times while in the school or on school grounds.
2. All visitors who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s). These visits will be allowed when they are not disruptive to classroom instruction.
3. All visitors are expected to abide by the rules contained in this Code of Conduct for public conduct on school property.

\*Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

### **XIII. 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 District/school functions. For purposes of this section of the code, "public" shall mean all persons when on District/school property or attending a District/school function including students, administrators, teachers, and district personnel.

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

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

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property, or the personal property of a teacher, administrator, other district employee or any person lawfully on school property. This includes damage caused by graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances, or be under the influence of either when on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the District/school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant in accordance with the due process requirements.
3. Teachers. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

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

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

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

## **XIV. Publication, Distribution and Review**

The Chatham Central School Board of Education will work to ensure that the community is aware of the Code of Conduct by:

1. Mailing a copy of the code to all students and their parents at the beginning of the school year.
2. Providing all current employees with a copy of the code.
3. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
4. Making copies of the code available for review by other community members.

The Board of Education will sponsor an intensive education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Board of Education will review this Code of Conduct every year and update it as necessary. The Board of Education may appoint an advisory committee to assist in reviewing the code. Before adopting any revision to the code, the Board will hold at least one public hearing. The Code of Conduct will be filed with the Commissioner no later than 30 days after adoption.