

**ELMONT UNION FREE SCHOOL DISTRICT**  
**Elmont, New York**

**ADMINISTRATIVE OPERATIONS**

**5300 (a)**

**CODE OF SCHOOL CONDUCT AND DISCIPLINE**

**ADMINISTRATION**

**I.     INTRODUCTION**

Effective schools provide a safe and orderly climate where children can pursue their educational goal without disruptions and interferences. The Elmont District recognizes its responsibility and commitment to the creation of an environment in which children may live and learn to their full capabilities in harmony with others, where individuals can be helped to find and understand their roles in society, and where the culture and values of our democratic society can be maintained and improved.

The goal of the Elmont District is to help children become responsible, active participants in their environment. Discipline is thus viewed as an integral part of the school curriculum. Teaching includes the development of self-control, and mutual respect for peers and adults.

In order to assure a healthy school climate, parents, school and community must share the responsibility for helping students develop self-discipline. An awareness of school rules on the part of all members of the school community is essential for the maintenance of a safe and orderly climate. All procedures and guidelines must be fair, flexible and in the best interest of children and adults. The guidelines offered in this policy reflect the educational philosophy of the Elmont schools and the spirit of productive social behavior. They have not been constructed for punitive ends, rather they are an attempt to promote and enhance self-discipline.

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

**II.    ESSENTIAL PARTNERS**

**A. Parents**

To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, all parents are expected to:

1. Recognize that the education of their child (ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.

## Code of School Conduct and Discipline

5300 (b)

3. Ensure their children attend school regularly and on time and are picked up on time in strict accordance with the school's arrival and dismissal procedures. Inform school officials of the home situation that may affect student conduct or performance. It is essential that the school is given up-to-date telephone numbers and emergency contact numbers where a family member or friend can be reached at any time in the event of an emergency.
4. Make certain that all necessary absences are reported immediately and properly excused.
5. Provide for their child's health, personal cleanliness and ensure that their children are dressed and groomed in a manner consistent with the student dress code.
6. Guide their child from the earliest years to develop socially acceptable standards of behavior, to exercise self-control and be accountable for his/her actions as required to maintain a safe and orderly environment. Parents need to help their children to deal with peer pressure.
7. Know and understand the rules their child is expected to observe at school: be aware of the consequences of any violation of these rules, and accept legal responsibility for their child's actions.
8. Instill in their child a desire to learn by providing a positive environment conducive to studying and by ensuring the completion of homework assignments. Provide a place for study and ensure homework assignments are completed.
9. Exemplify an enthusiastic and supportive attitude toward school, educators and learning by becoming acquainted with their child's school, its staff, curriculum and activities; by participating in the activities of the PTA; by attending parent-teacher conferences and school functions and by building good relationships with teachers, and other children's parents.
10. Provide supervision to ensure the safe boarding and discharging of students at bus stops.

### B. Teachers and Support Staff

As the educators who are in more direct contact with children, classroom teachers have greater opportunities to influence the children's conduct. It shall be the educator's responsibility to:

1. Maintain a climate of mutual respect and dignity, which will strengthen student's self-concept and promote confidence for learning.
2. Consider the physical, social, intellectual, and emotional development of the students.

## Code of School Conduct and Discipline

5300 (c)

3. Provide appropriate learning opportunities for students by effective planning, motivation, and appropriate challenging instruction.
4. Participate in the establishment of school rules and regulations regarding student behavior: explain these rules to students and require observance of the same.
5. Know school and district rules and policies. Be fair, firm and consistent in enforcing them in classrooms, hallways, restrooms, school buses, on the school campus and at all school-sponsored activities.
6. Confer with support personnel for possible solutions to discipline problems.
7. Inform students of individual classroom behavior expectations.
8. Demonstrate, by word and personal example, respect for all other district employees, for law and order, and self-discipline.
9. Establish and maintain a classroom discipline plan in accordance with the school and district discipline codes.
10. Communicate with parents at regular reporting periods, and at other times when appropriate, regarding the acceptability of a student's conduct, social growth and achievement.
11. Protect the rights of other students by initiating action to remove dangerous or disruptive students in accordance with procedures established in this policy. Teachers need to be responsive to and provide mediation for students seeking assistance regarding disciplinary matter or a potential disciplinary matter.
12. Communicate to students and parents:
  - a. Course objectives
  - b. Marking/grading procedures, performance and behavior.
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
13. Model good behavior in school, at professional meetings, and when meeting with parents. Dress in a professional and clean manner.
14. Maintain confidentiality of students' records, performance and behavior.
15. Report all incidents of violence, harassment, discrimination, or bullying to the Dignity Act Coordinator and building principal.

## Code of School Conduct and Discipline

5300 (d)

16. Respond in accordance with provided training to prevent acts of harassment and discrimination.

### C. School Support Professionals

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student conferences or parent/teacher/student/counselor conferences as necessary as a way to resolve problems.
3. Review with students their progress as needed.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Report all incidents of violence, harassment, discrimination, or bullying to the Dignity Act Coordinator and building principal.
6. Respond in accordance with provided training to prevent acts of harassment and discrimination.

### D. Administrators

As the educational leaders of the school, administrators set the disciplinary climate. It shall be their responsibility to:

1. Create the best teaching/learning situation possible, exercising all authority assigned by the Superintendent of Schools.
2. Develop/refine with the staff, individual school rules and procedures in accordance with State Education and School Board regulations.
3. Inform parents, students, and faculty of system-wide regulations and school rules.
4. Ensure that all system-wide regulations and school rules regarding discipline are applied consistently.
5. Investigate all incidents of violence, harassment, discrimination, or bullying. Take prompt corrective action on referred violations of discipline regulations
6. Inform the parent/guardian, when appropriate and the involved staff member verbally or in writing of actions taken on referred violations.
7. Give firm support to staff members and advise them of appropriate methods of discipline.

## **Code of School Conduct and Discipline**

**5300 (e)**

8. Maintain a file of all discipline referrals on each student.
9. Report all cases of physical abuse.
10. Report all illegal activities to the appropriate authority.
11. Comply with pertinent State laws governing hearings, suspensions, and students' rights.
12. Be a model of professionalism for staff and students.
13. Ensure that all district staff, students, parents, and visitors are treated with respect and courtesy.
14. Ensure that confidentiality is respected and that all directives given to staff are carried out in an expedient manner.

### **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment that supports active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Set the educational and professional tone for the district.

### **F. Board of Education**

1. Involve student, teacher, administrator, and parent organizations, school safety personnel and other school personnel in developing a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

**III. STUDENT CODE OF BEHAVIOR**

School is a place where each child can be guided to develop to his/her fullest potential and where the culture and values of society can be maintained and improved. Within the school framework, discipline is intended to foster student growth while providing an acceptable environment in which to learn.

In keeping with the philosophy that discipline is a means of teaching expected behavior, disciplinary efforts are to be as positive as possible. This means working with students to involve them in defining acceptable behavioral standards and in communicating behavioral expectations with sufficient clarity and frequency to ensure that all parties share common understanding. Children expect and appreciate clear and consistent guidelines. In turn, they should be held accountable for their behavior.

Student Rights and Responsibilities

Every individual who enjoys the rights of citizenship in a community must also abide by the rules and regulations by which that community is governed. These guidelines are designed to promote a safe, orderly, healthy and civil school environment for students, parents, teachers, staff and administrators.

Rights

Responsibilities

Students have the right to a free public education within a safe environment free from threats to their persons or property.

- Students have the responsibility to attend school regularly and to be in class on time and prepared to learn.
- Respect the rights and property of others.
- Respect and care for school property.
- Adhere to all school safety and health regulations and procedures.
- Work to the best of their ability in all academic and extra curriculum pursuits and strive toward their highest level of achievement possible.

Students have the full rights of citizenship as defined by the Constitution of the United States and its amendments and these rights cannot be abridged, obstructed, or otherwise altered except in accordance with due process of law.

- Students have the responsibility to abide by all prevailing local, state, and federal laws, particularly as they pertain to respecting the rights of others.

## Code of School Conduct and Discipline

5300 (g)

- Students have the right to express opinions, to take stands to support causes either publicly or privately without unlawful interference as long as such expression causes no disruption of the educational process.
- Students have the responsibility, when exercising their rights of free expression either verbally or symbolically, to avoid the use of obscenities, anger, libelous statements, or personal attacks. Students have the responsibility of seeking assistance from appropriate adult in solving problems that might lead to disciplinary problems.

Below are rules which may aid in the establishment and maintenance of a healthy and productive school climate. While recognizing that there are certain guidelines that are applicable to all educational settings, these suggested rules should be modified to meet the unique needs of each school.

### General School Rules

- . respect school property
- . treat all people with respect and dignity, regardless of race, gender, creed, religion or sexual orientation.
- . positively comply with the direction of teachers, school administrators or other school employees
- . keep the school litter-free
- . behave in a manner which manifests the best sense of courtesy
- . approach studies with the importance and seriousness necessary for successful completion
- . avoid the use of language action and gestures that are profane, abusive or inappropriate
- . avoid any form of academic misconduct
- . students must demonstrate behavior and use language that is non-threatening to anyone else
- . take responsibility for one's own actions
- . greet visitors and guests and assist them as needed
  - . behave in such a way that will bring pride to themselves, their parents, and school at all times
- . behave in a manner that is non-disruptive and non-violent
- . follow district policies while on school grounds
- . weapons or items that may resemble weapons are strictly prohibited on school property

Student behavior must be such so that the safety, health or welfare of others is not endangered. Examples of unacceptable behavior include the following types of conduct: lying, stealing, defamation, discrimination, harassment, intimidation, bullying, selling - using or possessing obscene material, using vulgar or abusive language, smoking, possessing – consuming – selling - distributing or exchanging alcoholic beverages or illegal substances or being under the influence of either.

## Code of School Conduct and Discipline

5300 (h)

Students are forbidden to engage in any type of physical force. The district has a zero tolerance policy regarding the use of physical force.

Students who engage in the above behavior are considered to be partaking in prohibited student conduct.

### Expected Behavior

#### Classroom Rules

- . follow all classroom rules
- . leave room only with permission
- . be a polite friend
- . complete assignments neatly and submit them as scheduled
- . maintain texts and notebooks in good order
- . keep desks orderly and free from graffiti
- . use computers and other forms of electronic learning items and all school property only in appropriate ways as directed by the teacher

#### Cafeteria Rules

- . treat food service personnel and other adults with respect
- . use good table manners
- . handle food properly
- . speak softly at all times
- . stay in seat

#### Playground Rules

- . respect and obey all staff
- . use equipment properly
- . play in designated areas only
- . toss only authorized equipment on playground
- . leave the playground area only with permission
- . treat friends and classmates with respect

#### Bathroom Rules

- . use facilities properly
- . respect the privacy of others
- . recognize that bathrooms are a convenience and not a playground
- . keep bathrooms free from graffiti
- . leave bathrooms promptly



## Code of School Conduct and Discipline

5300 (i)

- . leave only with permission
- . walk quietly
- . follow cafeteria procedures
- . dispose properly of wrappers, leftover food, etc.

### Hallways

- . walk quietly
- . stay on the right
- . use water fountain properly
- . respect displays
- . move to and from class quickly and quietly

### Bus Rules

- . stay in seat, speak softly
- . keep head, hands, arms in bus
- . follow directions of the driver and bus attendant
- . practice bus safety at all times

### Auditorium

- . enter and leave the auditorium quickly and quietly
- . practice audience participation skills i.e., applaud when appropriate, remain silent when not pleased

### Bicycle Rules

- . “walk” bicycles on school sidewalks and blacktop
- . do not ride or touch another person’s bike without permission

### Arrival and Departure

- . arrive at the appropriate time
- . walk, when entering and leaving school
- . line up quickly and quietly in designated areas
- . follow monitor’s directions
- . follow bus and traffic safety rules
- . use assigned exit and entrance
- . follow appropriate pedestrian laws

### Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

## **Code of School Conduct and Discipline**

**5300 (j)**

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Questions concerning dress code shall be directed to the Superintendent of Schools.

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

### **IV. REPORTING VIOLATIONS**

All students should promptly report violations of the code of conduct to a teacher, support professional, the building principal or his or her designee. Any student observing a student possessing a potentially dangerous item or substance on school property or at a school function or threaten to cause bodily harm to others shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any potentially dangerous item or substance found shall be confiscated immediately. Notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, are to take place as soon as possible. Such actions may include permanent suspension and referral for prosecution.

The building principal or his or her designee must immediately notify the Superintendent of Schools. Should the Superintendent deem it necessary, he/she should notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order of security of a school.

#### **V. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense (e.g. student who initiated the fight, student who bullies others).
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall be disciplined with consideration for behavior related to his/her disability.

## Code of School Conduct and Discipline

2160 (I)

### A. Penalties

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

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

Suspensions will be noted on the student school record unless modified by the Superintendent of Schools.

### B. Procedures

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

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

**1. Detention**

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified and the student has appropriate transportation home following detention.

**2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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

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

**4. In-school suspension**

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in school suspension" under the supervision of certified teacher.

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

#### 5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a support professional or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for one day. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. The teacher must provide written documentation of the student behavior leading to suspension to the school principal.

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

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

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

The written notice must be provided by personal delivery, express mail delivery; or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The teacher who ordered the removal will be required to attend the informal conference.

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

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The classroom teacher is responsible to provide appropriate class work assignments.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

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

#### 6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the building principals.

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.



The Superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be to the degree possible in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the Superintendents’ decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**b. Long-term (more than 5 days) suspension from school**

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the Superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

**c. Permanent suspension**

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

**C. Minimum Periods of Suspension****1. Students who bring a weapon to school.**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The School Psychologist shall handle all referrals of students to counseling.

2. PINS Petitions

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

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

3. Juvenile Delinquents and Juvenile Offenders (Not applicable to the age level of K-6 students.)

**VI. ALTERNATIVE INSTRUCTION**

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

**VII. 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 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 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 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.
3. 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 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.
4. 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 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 behavior.

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.

## Code of School Conduct and Discipline

5300 (x)

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 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 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 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, 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 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:

- a. 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.
- b. 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.

**VIII. USE OF CORPORAL PUNISHMENT BY DISTRICT PERSONNEL**

The use of corporal punishment by district personnel is prohibited. Corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil. Corporal punishment shall not mean the use of a reasonable physical force for any of the following purposes:

1. To protect oneself from physical injury.
2. To protect another pupil or teacher or any other person from physical injury.
3. To protect the property of the school or of others. Or

4. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in one through four above.

The district shall submit a written semi-annual report to the Commissioner of Education by January 15 and July 15, setting forth the substance of each complaint about the use of corporal punishment received during the reporting period, the results of each investigation, and the action taken in each case.

The principal, upon receipt of a charge of alleged corporal punishment, shall notify the Superintendent of Schools. The principal shall then attempt to determine the facts by conducting interviews with staff involved, the child or children, and the parents or guardians. A written report shall be forwarded to the Superintendent of Schools within 48 hours which will include the time, place, and date of the alleged incident, as well as the names of all parties involved, and the principal's evaluation and recommendations

The report should specify the circumstances surrounding the alleged act and names of the witnesses.

The Superintendent of Schools shall conduct any additional investigation that appears warranted in his/her judgment. The Superintendent shall report the incident to the Board of Education with such recommendations as appear justified in his/her judgment.

## **IX. VISITORS TO THE SCHOOL**

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a member of the School Board, regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

## **Code of School Conduct and Discipline**

**5300 (aa)**

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

### **X. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The following rules and regulations for the maintenance of public order on school property are applicable to students, staff and visitors while they are on Elmont School District property. Nothing herein is intended, nor shall be constructed as limiting or restricting any person's constitutional right to freedom of speech or peaceful assembly.

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

No person, either singly or in concert with others shall:

1. Intentionally cause or threaten to do physical injury to any other person nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do or not to do.
2. Physically intimidate, restrain, harass, detain or, abuse or remove any other person from any place in which he/she is authorized to remain.
3. Willfully destroy property of the District or property under the District's jurisdiction and remove or use such property without authorization, including the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
4. Without permission, expressed or implied, enter in or upon any building, facility, or restricted area for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
5. Enter or remain in any building or facility after it is normally closed, without authorization.
6. Refuse to leave any building or facility after being required to do so by an authorized administrative officer.

## Code of School Conduct and Discipline

5300 (bb)

7. Obstruct the free movement of persons and vehicles in any place where these rules apply. There must be no violation of the traffic law, parking regulations or other restrictions on vehicles.
8. Disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or any other school program or activity or interfere with the freedom of any person, including invited speakers, to express their views.
9. 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.
10. Willfully incite, procure or aid others to commit any of the acts herein prohibited.
11. Jeopardize the health and/or safety of others by:
  - a. Throwing stones, bottles or other objects at any time while on school property, or causing such objects to strike school property.
  - b. Using or possessing alcoholic beverages, drugs, or other illegal substances on school grounds, or being under the influence of such either on school property or at a school function.
  - c. Smoking in areas other than those designated by school authority. (No student is allowed to smoke on District property.)
  - d. Possess or use weapons in or on school property or at a function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

All organizations or individuals using school facilities must present the "Use of Building Permit" to the custodian on duty. Failure to do so will result in loss of assigned space and time. The issuance of school building and/or grounds permit is subject to the prior condition of a certificate of liability and compliance with all other board policy

**B. Restrictive Use of School Grounds**

**1. Cars and Mini-bikes**

- a. Cars on school business may enter the school grounds and be parked in areas so designated but no other automobile driving on school grounds is permitted under any circumstances.
- b. Mini-bikes or other motorized vehicles, except authorized vehicles, are not permitted on the school grounds under any circumstances.
- c. The main drive-in gate at each school building will be open. It is the intent of the Board of Education that this will permit police car to enter the school grounds at all times.

**2. Games and Activities**

- a. Games that deface or mar school property are prohibited.
- b. All outdoor activities are to cease April 1st through September 30th, at 9:00 p.m. remainder of year at 6:00 p.m. Participants must leave school grounds immediately after the cessation of such games.

**C. Willful Interference With the Lawful and Authorized Activities of Other**

1. Meetings of the Board of Education shall be held as prescribed in the Education law of the State of New York.
2. Spectators, participants and Board members shall conform to reasonable standards of conduct.
3. Disruptive behavior by anyone in attendance may result in suspension of the meeting until a future date or adjournment of the meeting.

**D. Willful Damage to School Property**

**Damage to Building and Grounds – Furniture and Equipment –**

Malicious damage to buildings, equipment, and/or grounds shall be carefully investigated by the principal or his designee and head custodian in the building affected. Dependent upon the nature and extent of the damage, two courses of action are suggested:

1. If the damage is under \$500
  - a. The head custodian reports to the principal.
  - b. A joint report is filed in duplicate – original to the Superintendent, copies to the Administrators in charge of School Business and the Director of Buildings and Grounds.

## Code of School Conduct and Discipline

5300 (dd)

- c. The principal makes a careful investigation to fix the responsibility and to take corrective action if the perpetrators can be identified. It is recommended that the principal collect for damage done by arranging a lump sum or budget payments over a period of time. A receipt must be given for all money collected. The money should be promptly forwarded to the Business Office with a covering memo outlining the circumstances justifying the amount collected.
2. If the damage is more than \$500
    - a. The same procedure as outlined in the above will be followed.
    - b. The principal will contact the Superintendent or his/her designee for direction relative to reporting to the police department.
  3. Parents can be held liable up to \$1,000.00 for vandalism by their children.

### E. Procedure

All building principals or their designees, during school hours, shall act as the chief administrative officers for their own school buildings and grounds. They shall be responsible for and shall have authority over the actions of students, professional and classified employees, visitors, and persons hired to perform special tasks. All principals shall keep the Superintendent or his/her designee informed of activities in their building.

A person who violates any of the provision of the above rules and regulations shall be directed to leave the premises (if licensee or invitee) or be subject to appropriate disciplinary actions (if a student, faculty or staff member of the District).

Any employee of Elmont Union Free School District witnessing willful injury to any person on school property shall report same to the Superintendent or his designee for prosecution or other appropriate disposition.

The chief administrative officer or his designee may apply to the public authorities for aid which he deems necessary in causing the ejection of any violators of these rules and regulations and he may request the School District's attorney to apply to any court or appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules and regulations.

### F. Intruders

In the event that an unauthorized person trespasses on school property or attempts to use school facilities including buildings, grounds, or equipment, the following procedures will be observed:

1. If the intruder is in a school, the principal shall be notified.
2. If the intruder is unwilling to leave the school building or school property upon request, the Chief Security Officer and the Superintendent shall be notified.

## **Code of School Conduct and Discipline**

**5300 (ee)**

3. The Chief Security Officer shall notify the local police in the event that the security officers are unable to deal with the intruder. The Chief Security Officer will request guidance from the Superintendent, or the Superintendent's designee, before notifying the police. In such instances, the Superintendent shall promptly notify the members of the Board of Education.

\*These regulations apply whether or not school is in session.

### **XI. DISSEMINATION AND REVIEW**

#### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code of conduct available on the school website.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

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

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

**XII. DEFINITIONS**

For purposes of this code, the following definitions apply.

“Disruptive student” means an elementary student enrolled in the Elmont UFSD who is substantially disruptive of the educational process or substantially interferes with the authority of the teacher or other adult in a supervisory position over the classroom. (Education Law, section 3214 (2-a) (b))

“Parent” means parent, guardian or person in parental relation to a student. (Education Law, section 3212 (1))

“School Property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus. (Education Law, section 2801 (1))

“School Function” means any school-sponsored extra-curricular event or activity. (Education Law, section 2801 (1))

“Violent Student” means a student under the age of 21 who:

1. Commits or attempts to commit an act of violence upon a school employee, or attempts to do so.
2. Commits or attempts to commit while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon or an item that resembles a weapon.
4. Displays, while on school property or a school function, what appears to be a weapon or an item that resembles a weapon.
5. Threatens, while on school property or at a school function, to use a weapon or an item that resembles a weapon.
6. Knowingly and intentionally damages or destroys or attempts to damage or destroy the personal property of any school employee or any person lawfully on school property or at a school function.



7. Knowingly and intentionally damages or destroys or attempts to damage or destroy school district property.

“Weapon” means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, 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. This includes items that resemble or appears to be a weapon. (Education Law, section 3214 (2-a), (a) and section 3214 (2-a), (3), (4), (6) and 18 USC 921)

### **XIII. SOME PRACTICAL SUGGESTIONS FOR TEACHERS**

- A. Give pupils the impression that you expect perfect order.
- B. Learn the names of all pupils as soon as possible.
- C. Give no unnecessary orders or directions – no repetitions.
- D. An explanatory statement, preparatory to giving a direction or order, reduces the possibility of confusion or disobedience.
- E. Insist upon a reasonable compliance with those directions which are given.
- F. Don't let things go. (Nip disorder in the bud.)
- G. Keep the machinery of class management simple.
- H. Plan lessons and all work well.
- I. Keep the class busy on worthwhile work and activities.
- J. Use rewards and punishments judiciously – watch for and reward desirable actions.
- K. Avoid punishing in anger. (It's the child, not the offense, that must be considered.)
- L. Don't punish the group for the offense of an individual.
- M. Don't make threats.
- N. Severe penalties should not be used for minor offenses.
- O. The teacher should never give the impression that she has exhausted her supply of punishments or rewards.
- P. Avoid forcing an issue with a disobedient pupil before the class.
- Q. When a child is punished, keep the door open for him to return to good graces of the class and the teacher.

**Code of School Conduct and Discipline****5300 (hh)**

R. Have a sense of humor.

S. Be fair and consistent in your decisions.

T. Have an element of surprise – something new – in the class work.

U. Seat pupils so that opportunities for infraction are lessened.

**LIST OF OFFENSES AND CORRESPONDING CORRECTIVE MEASURES**

Offenses	Possible Corrective Measures	No. Corrective Measures
Assault	7, 8, 9, 21	1. Conference with student and warning.
Cheating	1, 9	2. Before or after school detention.
Class Cutting	1, 2, 8, 9, 11, 12, 19, 20	3. In-house detention.
Copying homework	9	4. Clean-up.
Destruction of property	4, 5, 7, 8, 21	5. Pay-up.
Disrespect	1, 3, 7, 8, 9, 11, 13	6. Suspension (in-house).
Disruptive Behavior	2, 3, 7, 8, 9, 11, 13, 15	7. Suspension (home).
Extortion and bullying	1, 6, 7, 9, 11	8. Phone conference with parents.
Excessive Absences (legal)	11	9. Personal conference with parents.
Excessive Absences (illegal)	12, 13, 14	11. Letters to parents.
False Alarms	7, 8, 22, 23	12. Team Impact Conference.
Fireworks	7, 8, 26	13. Referral to school services.
Forgery		14. Referral to outside agencies.
Fighting	1, 2, 8	15. Exclusion from class.
Failure to report to detention	6, 9	16. Exclusion from school.
Gambling	8, 27	17. Exclusion from event.
Harrassment/ discrimination of students	28	18. Class make-up.
Infraction of health office responsibilities	1, 8	19. Daily report card.
Lateness (legal)	1, 8	20. Weekly report card.
Lateness (illegal)	1, 9	21. Police notification
Littering	1, 4	22. Fire Marshal's notification.
Loitering	21	
Leaving school without permission	1, 2	23. Eviction from school activities
Misuse of cafeteria privileges	3, 8	24. Withdrawal of library privileges.

## Code of School Conduct and Discipline

5300 (ii)

No absence notes	1, 11	25. Withdrawal of school bus privileges.
Obscene notes	7, 11, 26	26. Confiscation.
Obscene talk	1, 6, 7, 9	27. Make-up detention.
Profanity	1, 7, 11	28. Inform DASA Coordinator and Principal
Possession of drugs or alcohol	7, 21	
Smoking in building	7, 4, 6	
Smoking on school bus	7, 25	
School misbehavior	25	
Snowball throwing	1, 2, 3	
Theft	7, 21	
Tardiness to school	1, 2	
Tardiness to class	1, 2	
Obligations – textbooks	5	
Obligations – library	5	
Use of alcohol	7, 9	

## Legal Reference

### Policy

Adopted: 10/69

Amended: 4/16/86, 8/22/01 (approved at Board Meeting 8/21/01), 7/05/05, 7/2012, 9/12/12