

# **Thousand Islands Central Schools**



# **Code of Conduct**

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## **Code of Conduct**

### **I. Introduction**

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this code of conduct ("code" ...) is adopted pursuant to the requirements of the subdivision 2 of Section 2801 of the Education Law, a part of the New York State's Safe Schools against Violence in the Education Act of 2000, also known as the "Project SAVE" Law. (L. 2000, Ch. 181).

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

### **ANTI-HARASSMENT/ANTI-BULLYING POLICY**

The District is committed to providing an environment free from harassment, bullying, and retaliation. The purpose of this policy is to ensure that all District employees and students are treated and treat others with dignity and respect. All employees and students should take the time to ensure they understand what types of behavior are unacceptable under this policy. For the purposes of this policy, employees and shall include all employees of the District, i.e., all administrators, faculty, and support staff. Students, includes all students enrolled in the Thousand Islands Central School District.

This policy covers harassment or bullying which occurs both in and out of the workplace and educational environment. It includes but is not limited to an employee's and student's actual work space, work/school related travel and attendance at work/school related events, work/school related social functions, to include sporting events, and harassing/bullying conduct that occurs in cyberspace, i.e., via email, Twitter, Facebook, Snapchat, Instagram, YouTube, etc. In addition to covering bullying and harassment by

employees and students, it also covers bullying and harassment by third parties such as parents, contractors, or other visitors to District property/events.

**Harassment and Bullying will not be tolerated under any circumstances.**

The District takes all allegations of harassment or bullying, including cyberbullying, seriously and shall address them promptly and confidentially to the extent practicable. Harassment or bullying of one employee or student by another employee or student will be treated as a disciplinary matter. Even unintentional harassment or bullying is unacceptable.

**HARASSMENT**

Harassment is any unwanted or offensive conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating or offensive environment. It also includes treating someone less favorably because they have submitted or refused to submit to harassing behavior in the past.

Some examples of harassment are as follows:

- Unwanted physical conduct or “horseplay”, including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault
- Unwelcome sexual advances or suggestive behavior (which the harasser may perceive as harmless), and suggestions that sexual favors may further a career or that a refusal may hinder it
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Generating, sending, forwarding or displaying material that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone and/or posted on the internet)
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks
- Inappropriate and/or derogatory remarks about someone's performance
- Mocking, mimicking or belittling a person
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity
- A person may be harassed even if they were not the intended “target.” For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for them

## BULLYING

Bullying may be isolated or repetitive in nature and is offensive, intimidating, malicious or insulting behavior involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and nonverbal conduct.

Bullying may include, but is not limited to:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of authority/seniority
- Deliberately excluding someone from meetings or communications without good reason

## REPORTING A BREACH OF THIS POLICY

All employees have a responsibility to help protect the District's reputation and to prevent unethical or unlawful actions from occurring. The District recognizes that it can be difficult to raise these issues, especially where it involves a co-worker or a situation in your work area. Regardless, where an employee has any information about activities or behavior that conflict with or could be perceived as conflicting with this policy, they have a responsibility to report it.

Incidents of suspected bullying/harassment are to be reported either to your immediate supervisor, the Building Principal, or the Superintendent. All such reports shall be considered confidential and maintained as such to the extent practicable/permissible by law. Retaliation for reporting suspected harassment or bullying is strictly prohibited.

Violations reported in good faith but later determined to be unfounded shall not result in any consequence to the reporting employee. Where violations are found, the District will take appropriate disciplinary action, consistent with any applicable collective bargaining agreement or as otherwise established by law. This includes actual acts of bullying/harassment, retaliation for a person having reported suspected harassment or bullying, whether founded or in good faith, or where it is determined that an alleged violation was reported in bad faith. Disciplinary actions may vary from a verbal warning to dismissal, or where appropriate, referral for criminal prosecution.

## II. Definitions

For purposes of this code, the following definitions apply.

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

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

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

“Harassment or bullying” are defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially “interfering” with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student or employee to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7][8]).

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

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

“School Function” means a school sponsored Extracurricular event or activity (Education §11[2]).

“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 §11[1]).

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

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

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

"Weapon" means a firearm as defined in 18 USC §921. For purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife with a blade of 2 ½” in length or longer, brass knuckles, 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 District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly, and civil school environment, all District students have the right to:

1. Take part in District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation, or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

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

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions. (As per dress code)
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **iv. Essential Partners**

##### **A. Parents**

All parents are expected to:

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

##### **B. Teachers**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and/or parents:
  - a. Course objectives and requirements
  - b. Marking/ grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

### **C. Guidance Counselors**

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

### **D. Principals**

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

### **E. Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting 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 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.

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

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

## **G. Dignity For All Students Act Coordinator (DAC)**

1. In compliance with the Dignity for All Students Act at least one staff member at every school will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]). This staff member will be accountable for implementing procedures for creating a school environment that is free of discrimination and harassment in accordance with the Dignity for All Students Act.
2. This staff member will be referred to as the Dignity Act Coordinator (DAC).
3. The Principal in each building shall be the Dignity for All Students Act Coordinator:
  - a. Andrea Williams-Lomber, 6-12 Principal, 315-686-5594 x 4000
  - b. Lisa Freitag, Guardino Elementary Principal, 315-686-5594 x 3000
  - c. Chelsea Nohle, Bashaw Elementary Principal, 315-686-5594 x 2000

## **v. Student Dress Code**

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

### **Dress Code for High School/Middle School**

The Thousand Islands Central School recognizes that parents are concerned about their children's dress, general appearance, and behavior. Dress shall be safe, appropriate, and not disrupt or interfere with the educational process. We have established the following guidelines to aid parents and students in selecting proper attire for wear to school.

The following are examples of attire considered inappropriate for school and are not permitted:

1. Halter tops, midriff/fishnet shirts, sheer/see through tops, strapless shirts/dresses, muscle shirts, plunging necklines (front and/or back), and/or items where underclothing shows.
2. Short shorts or short skirts (must fingertip length).
3. Shirts or other articles of clothing, or jewelry which promote/advertise alcohol or tobacco products, or drugs and/or encourage other illegal or violent activities.
4. Shirts or other articles of clothing which put down a person/people on the basis of person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex.
5. Shirts or other articles of clothing, or jewelry which contain artwork or language which is sexually suggestive, abusive, or offensive, vulgar, obscene, and libelous.

6. Hats, caps, bandanas, hoods, or other head coverings except for medical, classroom, or religious purposes.
7. Heavy chains and/or choke collars.
8. Underwear which is not completely covered with outer garment.

If inappropriate clothing is worn to school, students will be asked to change and/or parents will be called and asked to bring proper clothing to school for their child. If the parent is unavailable, the school will provide appropriate attire. Students who refuse to comply with dress code outlined in this Code of Conduct will be subject to disciplinary action.

## **VI. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel, and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline. The Board recognizes the need to set specific and clear expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

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

**A.** Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language and/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.

7. Computer/electronic communications misuse, including, but not limited to any unauthorized use of cellphones, computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's Acceptable Use Policy.

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

1. Failing to comply with the reasonable directions of teachers and school personnel, or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping class or detention.

**C.** Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school personnel.

**D.** Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as, but not limited to, hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee or attempting to do so.
2. Committing an act of violence (such as, but not limited to, 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 (As defined in Section II). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon. (As defined in Section II.)
5. Threatening any act of violence including a use of 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.
7. Intentionally damaging or destroying school district property.

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function.

3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, disability, gender identity, sexual orientation, or sex as a basis for treating another in a negative manner.
5. Harassment – the creation of a hostile environment by:
  - conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student or employee to fear for their physical safety
  - conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Note: Discrimination and Harassment Prohibited

No student or employee shall be subjected to harassment by employees or students on school property or at a school sponsored function; nor shall any student or employee be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex by school employees or students on school property or at a school sponsored function.

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm or emotional harm.
7. 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.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language and/or cursing, gestures, or swearing.
10. Smoking a cigarette, e-cigarette/vaping, cigar, pipe, using chewing or smokeless tobacco, or any related conduct that gives the impression of using a tobacco product.
11. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages (to include powdered alcohol) 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, synthetic drugs (i.e., bath salts, synthetic marijuana) or any substances commonly referred to as designer drugs.
12. Inappropriately using or sharing prescription and over-the-counter drugs.

13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Kissing or engaging in inappropriate bodily contact in the school.
16. Initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**F.** Engage in any form of conduct using technology / cyberbullying that endangers the safety, morals, health, or welfare of others. Examples of such conduct include:

1. Harassing, disrespecting, flaming, denigrating, impersonating, outing, tricking, excluding, and cyberstalking.
2. Sending emails or posting comments with the intent of scaring, hurting, or intimidating someone else.
3. Use school technologies for anything other than school-related activities and research.
4. Use school technologies in a way that could be personally or physically harmful to me or others.
5. Search inappropriate images or content.
6. Use school technologies to send spam or chain mail.
7. Plagiarize content found online.
8. Post personally-identifying information, about self or others.
9. Agree to meet someone online in real life.
10. Share passwords with anyone.
11. Use another user's account or password.
12. Use language online that would be unacceptable in the classroom.
13. Use school technologies for illegal activities or to pursue information on such activities.
14. Attempt to hack or access sites, servers, accounts, or content that isn't intended for my use.

Engaging in these behaviors, or any online activities intended to harm (physically or emotionally) another person, will result in severe disciplinary action and loss of privileges. In more frequent cases, cyberbullying can be a crime. Remember that activities are monitored and retained.

**G.** Electronic Device Policy, including personal cell phones, iPads, iPods, and all other electronic devices, per June 17, 2014 BOE meeting. If a student grade Kindergarten through 12 is seen with a personal electronic device during the school day it will be brought to the office.

Grades Six to Twelve students' electronic devices including cellphones, iPads, iPods, and all other electronic devices, headphones are to be off and in lockers from 7:35 a.m. to 2:30 p.m.

If any school staff member hears a cellphone, iPad, iPod, or any other electronic device ring in a backpack or locker, they have the right to search the backpack or locker and take the device to the office.

- H. 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 according to district bus rules.
- I. Engage in any form of academic misconduct. Examples of academic misconduct include:
  - 1. Plagiarism.
  - 2. Cheating.
  - 3. Copying.
  - 4. Altering records.
  - 5. Assisting another student in any of the above actions.

## VII. **Digital Citizenship**

Digital citizenship can be defined as the norms of appropriate, responsible behavior with regard to technology use. All users are expected to be aware of and adhere to these elements.

### 1. Digital Access: *full electronic participation in society.*

Technology users need to be aware that not everyone has the same opportunities when it comes to technology. Working toward equal digital rights and supporting electronic access is the starting point of Digital Citizenship. Digital exclusion makes it difficult to grow as a society which increasingly use these tools. Helping to provide and expand access to technology should be goal of all digital citizens. Users need to keep in mind that there are some that may have limited access, so other resources may need to be provided. To become productive citizens, we need to be committed to make sure that no one is denied digital access.

### 2. Digital Commerce: *electronic buying and selling of goods.*

Technology users need to understand that a large share of market economy is being done electronically. Legitimate and legal exchanges are occurring, but the buyer or seller needs to be aware of the issues associated with it. The mainstream availability of Internet purchases of toys, clothing, cars, food, etc. has become

commonplace to many users. At the same time, an equal amount of goods and services, which are in conflict with the laws or morals of some countries, are surfacing. (This might include activities such as illegal downloading, pornography, and gambling. Users need to learn about how to be effective consumers in a new digital economy.

3. Digital Communication: *electronic exchange of information.*

One of the significant changes within the digital revolution is a person's ability to communicate with other people. In the 19th century, forms of communication were limited. In the 21st century, communication options have exploded to offer a wide variety of choices (e.g., e-mail, cellular phones, instant messaging). The expanding digital communication options have changed everything because people are able to keep in constant communication with anyone else. Now everyone has the opportunity to communicate and collaborate with anyone from anywhere and anytime. Unfortunately, many users have not been taught how to make appropriate decisions when faced with so many different digital communication options.

4. Digital Literacy: *process of teaching and learning about technology and the use of technology.*

While schools have made great progress in the area of technology infusion, much remains to be done. A renewed focus must be made on what technologies must be taught as well as how it should be used. New technologies are finding their way into the workplace that is not being used in schools (e.g., Videoconferencing, online sharing spaces such as wikis). In addition, workers in many different occupations need immediate information (just-in-time information). This process requires sophisticated searching and processing skills (i.e., information literacy). Learners must be taught how to learn in a digital society. In other words, learners must be taught to learn anything, anytime, anywhere. Business, military, and medicine are excellent examples of how technology is being used differently in the 21st century. As new technologies emerge, learners need to learn how to use that technology quickly and appropriately. Digital Citizenship involves educating people in a new way— these individuals need a high degree of information literacy skills.

5. Digital Etiquette: *electronic standards of conduct or procedure.*

Technology users often see this area as one of the most pressing problems when dealing with Digital Citizenship. We recognize inappropriate behavior when we see it, but before people use technology they do not learn digital etiquette (i.e., appropriate conduct). Many people feel uncomfortable talking to others about their digital etiquette. Often rules and regulations are created or the technology is simply banned to stop inappropriate use. It is not enough to create rules and policy, we

must teach everyone to become responsible digital citizens in this new society.

6. Digital Law: *electronic responsibility for actions and deeds*

Digital law deals with the ethics of technology within a society. Unethical use manifests itself in form of theft and/or crime. Ethical use manifests itself in the form of abiding by the laws of society. Users need to understand that stealing or causing damage to other people's work, identity, or property online is a crime. There are certain rules of society that users need to be aware in an ethical society. These laws apply to anyone who works or plays online. Hacking into others information, downloading illegal music, plagiarizing, creating destructive worms, viruses or creating Trojan Horses, sending spam, or stealing anyone's identify or property is unethical.

7. Digital Rights and Responsibilities: *those freedoms extended to everyone in a digital world.*

Just as in the American Constitution where there is a Bill of Rights, there is a basic set of rights extended to every digital citizen. Digital citizens have the right to privacy, free speech, etc. Basic digital rights must be addressed, discussed, and understood in the digital world. With these rights also come responsibilities as well. Users must help define how the technology is to be used in an appropriate manner. In a digital society these two areas must work together for everyone to be productive.

8. Digital Health and Wellness: *physical and psychological well-being in a digital technology world.*

Eye safety, repetitive stress syndrome, and sound ergonomic practices are issues that need to be addressed in a new technological world. Beyond the physical issues are those of the psychological issues that are becoming more prevalent such as Internet addiction. Users need to be taught that there inherent dangers of technology. Digital Citizenship includes a culture where technology users are taught how to protect themselves through education and training.

9. Digital Security: *electronic precautions to guarantee safety.*

In any society, there are individuals who steal, deface, or disrupt other people. The same is true for the digital community. It is not enough to trust other members in the community for our own safety. In our own homes, we put locks on our doors and fire alarms in our houses to provide some level of protection. The same must be true for the digital security. We need to have virus protection, backups of data, and surge control of our equipment. As responsible citizens, we must protect our information from outside forces that might cause disruption or harm.

\* Ribble, Mike “Nine Themes of Digital Citizenship.” Digital Citizenship: Using Technology Appropriately. GoDaddy, 2013.  
<[http://digitalcitizenship.net/Home\\_Page.html](http://digitalcitizenship.net/Home_Page.html)>.

### **VIII. Reporting Violations and Incidents of Discrimination, Harassment, and Bullying**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal, or other school personnel. All district staff is 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. The building principal or his or her designee must notify, within 24 hours, the appropriate local law enforcement agency and parents of those code violations that constitute a crime and substantially affect the order or security of a school. The notification to parent may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

Harassment or bullying, including cyberbullying, that occurs off campus are expected to be reported where such acts:

- Create or would foreseeably create a risk of substantial disruption within the school environment
- Where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property

This Code of Conduct reinforces the importance of reporting incidents of discrimination and harassment. Incidents of discrimination or harassment including bullying shall be reported using the Thousand Islands School District’s Dignity for All Students (Discrimination, Harassment, and Bullying) Reporting Form.

### **IX. Disciplinary Consequences, 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 student's ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence 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 not be disciplined for behavior related to his/her disability.

The response to an incident will be reasonably calculated to:

- End behavior
- Prevent recurrence
- Eliminate hostile environment
- Ensure safety of student(s)

### **A. Consequences**

Students who are found to have violated the district's code of conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, 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, guidance counselors, teachers, principal, superintendent
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention – teachers, principal, superintendent
5. Suspension from transportation -director of transportation, principal, superintendent
6. Suspension from athletic participation -coaches, athletic coordinator, principal, superintendent (Athletic Code)
7. Suspension from social or extracurricular activities - activity director, principal, superintendent (Extracurricular Code)
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 principal, superintendent, board of education
12. Long-term (more than five days) suspension from school- superintendent, board of education
13. Permanent suspension from school –superintendent, board of education
14. 1st personal electronic device (PED) violation will result in the device being taken to the office and may be picked up by the student at the end of the day  
2nd PED violation, the device will be brought to the office, the student will serve a one-hour after school or one-hour in school detention, and a parent/guardian will be notified that they need to pick up the device in the office.  
3rd PED violation, the student will not be allowed to bring any electronic devices to school, the device will be brought to the office, the student will serve a one day In-School Suspension (ISS), and a parent/guardian will need to pick the phone up in the office.  
4th and further PED violation(s), the student will not be allowed to bring any electronic devices to school, the device will be brought to the office, a parent/guardian will need to pick the phone up in the office, and a Superintendent’s Hearing will be scheduled.

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence 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 consequence in connection with the imposition of the consequence. 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 consequence is imposed. These additional rights are explained below.

### **1. Detention**

Teachers, principals, and the superintendent may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Written notice to the parent will be provided, and notification may also be provided by telephone for any detention. Appropriate transportation will be provided.

### **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 director of transportation, 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 consequence 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 consequence involved.

When a student misuses an electronic device (personal or District owned), the school may do the following, matching the severity of the school's action to the seriousness of the student's misuse of the device:

1. Warn the student, verbally or in writing.
2. Take away the device. Depending upon the offense, the school may keep the device for the rest of the school day or longer. The school may require the parents to pick up the device.
3. Suspend the privilege of using the device at school.
4. Deny the student the privilege of participating in extracurricular and athletic activities.
5. Contact the student's parents, school security, or the police.
6. Suspend or expel the student from school in accordance with student discipline procedure.

### **4. Alternate Instruction**

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 on “alternative instruction” or "in-school suspension."

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 consequence 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 guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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 up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. 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 or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. An informal meeting with parent does not constitute an appeal for purposes of this code. 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 principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's code of conduct.
3. 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 occurs first.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his 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 consequence, 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 is being 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 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 within 24 hours. An informal meeting with parent does not constitute an appeal for purposes of this code. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the 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 consequence, the superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. 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 three days. If the proposed consequence is the minimum three-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. An informal meeting with parent does not constitute an appeal for purposes of this code. If the proposed consequence exceeds the minimum three-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 three-day suspension on a case-by-case basis. In deciding whether to modify the consequence, 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 interferes 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 three 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 class room by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed consequence is the minimum three-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds the minimum three-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 three-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **D. Referrals**

##### **1. Counseling**

The Guidance Office 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

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

- a) Any student under the age of 16 who is found to have brought a weapon to school, or
- b) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42). The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### x. **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.

### xi. **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 Removal of Students with Disabilities**

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

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

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself 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.
  - d) The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student 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.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g) (w) which includes "a weapon, device, instrument, material or substance animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except... [for] a pocketknife with a blade of less than 2 1/2 inches in length. "
- 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 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 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 consequence 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 a 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:

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.

#### **XII. Corporal Punishment**

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

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

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

#### **XIII. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before

questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

#### **A. Student Lockers, Desks and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, computers used by students, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, computers used by students, and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

#### **B. Documentation of Searches**

The authorized school official conducting any search, other than locker, desk, computer, and school storage searches, shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.

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

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

### **C. Police Involvement in Searches and Interrogations of Students**

The Board of Education wishes to cooperate with all community agencies, including law enforcement, having a legitimate right to interrogate students or remove them from the custody of school authorities. However, it is incumbent upon the school district to protect students from undue emotional stress, intimidation, threat, or abuse of any kind which might arise from situations connected with the interrogation or removal of students from the supervision of school authorities. Furthermore, as possible and appropriate, parents should be advised by school authorities when representatives of community agencies are involved with their students in the context of this policy.

Whenever possible, contacts with students regarding non-school-related matters of any kind should be accomplished after school hours and off the school campus.

1. Upon arrival at a school, police or other officials must report to the administrative office of the school, declare to the school administrator the reason for the visit and present credentials verifying identity and official position.
2. No student shall be interrogated by police officers or others while under the supervision of the public school unless directed to do so by a court of competent jurisdiction or other official authority relevant to the matter at hand. The school reserves the right to have a school representative present during these interviews and to maintain a written record of them.

3. Unless school officials deem it not to be in the best interests of a student, an attempt shall be made by school officials to contact parents by phone prior to the interrogation of a student by representatives of outside community agencies.
4. No student shall be removed from the custody of the school by a law enforcement official or others unless a warrant or other official documentation is presented to the administration of the school or the student is placed under arrest.
5. The procedures also apply in situations where school authorities request assistance from outside community agencies, including law enforcement, and student interrogations or removal may result.

#### **xiv. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the designated office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and principal, 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.

#### **xv. Public Conduct on School Property**

The district is committed to providing an orderly, safe, and respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers, and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property. (As per Dress Code)

### **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, or engage in arson or writing graffiti;
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 actual or perceived race, color, weight, creed, national origin, religion, religious practice, disability, age, gender identity, sexual orientation or sex.

#### **Note: Discrimination and Harassment Prohibited**

No student or employee shall be subjected to harassment by employees or students on school property or at a school sponsored function; nor shall any student or employee be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex by school employees or students on school property or at a school sponsored function.

#### **Reporting Discrimination, Harassment, and Bullying**

This Code of Conduct reinforces the importance of reporting incidents of discrimination, harassment, and bullying. Incidents of discrimination, harassment, or bullying shall be reported using the Thousand Islands School District's Dignity for All Students (Discrimination, Harassment, and Bullying) Reporting Form.

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 or controlled substances, or be under the influence of either on school property or at a school function;
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
11. Loiter on or about school property;
12. Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
13. Willfully incite others to commit any of the acts prohibited by this code; or
14. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Consequences**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Employees shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

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

the "consequence" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

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

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

The Board 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 student, 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 parties may participate. The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.