

# CODE OF CONDUCT

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*Great Neck Public Schools*

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## **INTRODUCTION**

The Board of Education 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/persons in parental relation 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").

Unless otherwise indicated, this Code applies to all students, school personnel, parents/persons in parental relation and other visitors when on school property or attending a school function.

## **DEFINITIONS**

For purposes of this Code, the following definitions apply:

**Commissioner** means New York State Commissioner of Education.

**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, as defined in New York State Education Law §3214 (2a) (b).

**Firearm** means a firearm as defined in 18 USC §921 for purposes of the Federal Gun-Free Schools Act.

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

**School function** means any school-sponsored extra-curricular event or activity whether on or off school property, as defined in New York State Education Law §2801(1).

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, as defined in New York State Education Law §2801(1), or on a school bus, as defined in New York State Vehicle and Traffic Law §142.

**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, at a school function, or on a school bus, an act of violence upon another student or any other person on school property, at the school function, or on the school bus, or attempts to do so.
3. Possesses, while on school property, at a school function, or on a school bus, a firearm or weapon.
4. Displays, while on school property, at a school function, ~~or~~ on a school bus or on social media, what appears to be a firearm or weapon.
5. Threatens, while on school property, at a school function, ~~or~~ on a school bus or through social media, to use a firearm or weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property, at a school function, or on a school bus.
7. Knowingly and intentionally damages or destroys school district property.

**Weapon** means any ~~other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb,~~ gun, BB gun, disguised gun, electronic dart gun, electronic stun gun, machine gun, pistol, revolver, rifle, shotgun, box cutter, cane sword, dagger, dirk, gravity knife, metal knuckle knife, razor, stiletto, switchblade knife, brass knuckles, explosive or incendiary bomb, Kung Fu star, pepper spray or other noxious spray, sling shot, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **I. Student Rights**

The District is committed to safeguarding the rights given to all students under New York State and Federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

- A. Take part in all district activities on an equal basis regardless of: age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- C. Access school rules and receive an explanation of those rules from school personnel.
- D. Confidentiality with regard to their school records and classroom performance.
- E. Student behavior and performance will be discussed by with staff on a need-to-know basis only.

## **II. Student Responsibilities**

All District students have the responsibility to:

- A. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- B. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- C. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- D. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- E. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- F. Control their anger.
- G. Ask questions when they do not understand.
- H. Seek help in solving problems that might otherwise lead to physical or emotional confrontation.
- I. Abide by the school dress code.
- J. Accept responsibility for their actions.
- K. 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.
- L. Cooperate with school authorities in the investigation of incidents of violence or threats of violence.

## **ESSENTIAL PARTNERS**

All members of the District's learning community – including students, staff, parents/persons in parental relation and engaged service providers – must assume a responsible role in promoting behavior that enhances academic, emotional and social success. Courteous and respectful, responsible behavior fosters a positive climate in the learning community.

### **I. Parents/Persons in parental relation**

All parents are expected to:

- A. Recognize that the education of their children is a joint responsibility of the parents/persons in parental relation and the school community.
- B. Send their children to school ready to participate and learn.
- C. Ensure their children attend school regularly and on time.
- D. Notify the school that a child will be absent prior to the start of the school day.
- E. Insist their children be dressed and groomed in a manner consistent with the student dress code.
- F. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- G. Know school rules and help their children understand them so that their children can help create a safe, respectful, supportive school environment.
- H. Convey to their children a supportive attitude toward education and the District.

- I. Build good relationships with teachers, other parents/persons in parental relation and their children's friends.
- J. Help their children deal effectively with peer pressure.
- K. Inform school officials of changes in the home situation that may affect student conduct or performance.
- L. Provide a place for study and ensure homework assignments are completed.
- M. Build positive relationships with students, District staff, and other parents/persons in parental relation.
- N. Be respectful and courteous to staff, other parents/~~guardians~~/persons in parental relation and students.

## II. Teachers

All District teachers are expected to:

- A. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- B. Be responsible for ~~appropriate~~ classroom instruction.
- C. Know school policies and rules, and enforce them in a fair and consistent manner.
- D. Communicate to students and parents/persons in parental relation on essential, grade-appropriate matters including, but not limited to:
  - 1. Course objectives and requirements
  - 2. Marking/grading procedures
  - 3. Assignment deadlines
  - 4. Expectations for students
  - 5. Classroom discipline plan
- E. Build positive relationships with children, parents/persons in parental relation and District staff.
- F. Maintain confidentiality in conformity with Federal and New York State law.
- G. Address issues of harassment or any situation that threatens the emotional or physical health of safety of any student, school employee or any person who is lawfully on school property or at a school function.

## III. Paraprofessionals

All District paraprofessionals are expected to:

- A. Maintain a climate of mutual respect and dignity, ~~which~~ that will strengthen students' self-concept and promote confidence to learn.
- B. Know school policies and rules, and enforce them in a fair and consistent manner.
- C. Report violations to school authorities.
- D. Build positive relationships with children, parents/persons in parental relation and District staff.
- E. Maintain confidentiality in conformity with Federal and New York State law.

## IV. Guidance/School Counselors

All District guidance counselors are expected to:

- A. Assist students in coping with peer pressure and emerging academic, personal, social and emotional problems needs.
- B. Initiate teacher/student/counselor conferences and parent/teacher/student counselor conferences, as necessary, as a way to resolve problems any issues.
- C. Review with students their educational progress and career plans.
- D. Encourage students to benefit from the curriculum, co-curricular and extracurricular programs.
- E. Meet regularly with individual teachers and teams to help identify and address student needs and placement.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.
- G. Maintain confidentiality in conformity with Federal and New York State law.
- H. Address issues of harassment or any situation that threatens the emotional or physical health of safety of any student, school employee or any person who is lawfully on school property or at a school function.

#### **V. Psychologists and Social Workers**

All District psychologists and social workers are expected to:

- A. Assist in the maintaining of a school climate of mutual respect and dignity.
- B. Communicate with students, parents/persons in parental relation, teachers and building administrators concerning student learning issues and social-emotional wellbeing.
- C. Assist students in coping with emerging academic, personal, familial and school related social-emotional problems needs.
- D. Serve as a liaison between student/family/school and, where appropriate, community resources.
- E. Conduct necessary evaluations of student needs including status evaluations and functional behavioral assessments.
- F. Assist in District efforts in crisis/violence prevention and intervention, and Child Protective Services (CPS), Persons in Need of Supervision (PINS), and Social Service contacts.
- G. Assist in District efforts in student social skill development, parent education initiatives and staff development.
- H. Build positive relationships with children, parents/persons in parental relation and District staff.
- I. Maintain confidentiality in conformity with Federal and New York State law.

#### **VI. Security Staff**

All District security guards are expected to:

- A. Patrol their assigned areas.
- B. Remain vigilant at all times.
- C. Report violations of ~~the~~ this Code of Conduct to proper authorities.
- D. Maintain written security logs.
- E. Build positive relationships with children, parents/persons in parental relation and District staff.

## VII. Bus Drivers

All bus drivers are expected to:

- A. Offer safe, efficient bus transportation to all eligible students.
- B. Have a written description of the bus route assigned.
- C. Complete a driver vehicle inspection report at the beginning and end of each day.
- D. Maintain a safe environment on the school bus.
- E. Know the District's school bus rules and report violations to the supervisor.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.

## VIII. Principals/Administrators

All building principals/administrators are expected to:

- A. Promote a collegial, safe, orderly and stimulating school environment, supporting active teaching and learning.
- B. Ensure that students and staff have the opportunity to communicate with the principal and approach the principal for redress of grievances.
- C. Evaluate on a regular basis all instructional programs.
- D. Support the development of and student participation in appropriate co-curricular and extracurricular activities.
- E. Be responsible for enforcing ~~the~~ this Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.
- G. Maintain confidentiality in conformity with Federal and New York State law.
- H. Build positive relationships with children, parents/persons in parental relation and District staff.

## IX. Dignity Act Coordinator(s)

The District's Dignity Act Coordinator is:

Dr. Joseph Hickey

*Name*

516-441-4970, [jhickey@greatneck.k12.ny.us](mailto:jhickey@greatneck.k12.ny.us)

*Contact Information*

The Dignity Act Coordinator is expected to:

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Oversee and coordinate ~~the work of the~~ compliance with [Policy 0100 Equal Opportunity](#), [Policy 0110 Sexual Harassment](#) and [Policy 0115 Bullying and Harassment](#).

- C. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- D. Address staff/student personal biases that may prevent equal treatment of all students and staff.

## **X. Superintendent**

The Superintendent of Schools is expected to:

- A. Implement the policies and directives of the Board of Education.
- B. Promote a collegial, safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- C. Review with District administrators the policies of the Board of Education and New York State and Federal laws relating to school operations and management.
- D. Inform the Board about educational trends relating to student discipline.
- E. Work to create instructional programs that minimize incidents of inappropriate behavior ~~and are sensitive to student and teacher needs.~~
- F. Work with District administrators in encouraging a positive school climate, enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- G. Build positive relationships with children, parents/persons in parental relation, District staff, and the community.
- H. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- I. Address staff/student personal biases that may prevent equal treatment of all students and staff.
- J. Promote a multi-tiered system of support for addressing student behavior ~~by supporting professional development and appropriate staffing.~~

## **XI. Board of Education**

The Board of Education is expected to:

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Maintain confidentiality in accordance with Federal and New York State law.

- C. 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.
- D. Recommend a budget that provides programs and activities that support achievement of the goals of ~~the~~ this Code of Conduct
- E. Adopt and review annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- F. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
- G. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- H. Address personal biases that may prevent equal treatment of all students and staff.
- I. Promote a ~~trauma-informed approach to~~ multi-tiered system of support for addressing student behavior by supporting professional development and providing a safe school environment.

## **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/persons in parental relation 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.

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

1. Be safe and not disrupt ~~or interfere with~~ the educational process.
2. Include footwear appropriate to the activity.
3. Be worn in such a way that private body parts (genitals, buttocks, nipples) are covered with opaque material.
4. Not include items that are vulgar, obscene, or libelous, or that denigrate others on account of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
6. Not include gang-related clothing or symbols.

~~Each school's Shared Decision Making Committee may develop a more specific dress code appropriate to the needs of the building.~~ Each principal or designee will be responsible for informing all students and their parents/persons in parental relation of the student dress code at the beginning of each school year and any revisions to the dress code made during the school year.

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

## **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 District facilities, equipment and property.

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 students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on District property or engaged in a District function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. ~~Students who will not accept responsibility for their own behavior and who violate these District rules will be required to accept the penalties for their conduct.~~

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

**I. Engage in conduct that is disorderly and/or disrupts the normal operation of the school community.**

Examples of disorderly conduct include, but are not limited to:

- A. Obstructing vehicular or pedestrian traffic.
- B. 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.
- C. Using language or gestures that are profane, lewd, vulgar, abusive, or threatening.
- D. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, or digital cameras in a manner that is in violation of District policy.

- E. Computer/electronic communications misuse, including any unauthorized use of computers, software, cell phones, iPods, digital cameras, or internet/intranet account; accessing inappropriate websites; any other violation of the District's [Policy 4526 Computer Network and Internet Acceptable Use for Students And Staff](#) and [Policy 4528 Acceptable Use of Remote Instruction](#) or use of any electronic device to engage in harassing, bullying or sexting. Sexting is defined as sending sexually explicit messages, photographs, or videos electronically.
- F. Using drones on or above District property except as authorized by school personnel with the permission of the Superintendents of Schools or designee.

## **II. Engage in conduct that is insubordinate.**

Examples of insubordinate conduct include, but are not limited to:

- A. Failing to comply with the reasonable directions of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect.
- B. Missing class, leaving school without permission, chronic lateness and/or absenteeism.
- C. Failing to report for detention.
- D. Failing to vacate school grounds at the conclusion of school authorized activities.

## **III. Engage in conduct that is violent.**

Examples of violent conduct include, but are not limited to:

- A. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other District employee or attempting to do so.
- B. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person on District property or attempting to do so.
- C. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
- D. Displaying what appears to be a weapon.
- E. Threatening to use any weapon.
- F. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person on District property, including graffiti or arson.
- G. Intentionally damaging or destroying District property.

## **IV. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include, but are not limited to:

- A. Lying or withholding information to impede inquiry or investigation by proper authority.
- B. Stealing, misappropriating, or misusing the property of other students, school personnel or any other person on school property or attending a school function.
- C. Defamation, which includes making false 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.

- D. Discrimination, which includes the use of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight as a basis for treating another in a negative manner.
- E. Harassment, which includes a severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- F. Intimidation or bullying, including cyberbullying, which includes engaging in actions or statements that put an individual in emotional distress or fear of bodily harm.
- G. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District sponsored activity, organization, club or team.
- H. Selling, using, or possessing or distributing obscene material.
- I. Using obscene or abusive language or gestures.
- J. ~~Smoking a cigarette, cigar or pipe, using chewing or smokeless tobacco or using electronic cigarettes or e-cigarettes, known collectively as ENDS — Electronic Nicotine Delivery Systems and defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes and vape pens), and includes any refill, cartridge or other component used in such a device.~~  
Smoking (the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco, cannabis or cannabinoid hemp) and all other tobacco use or the use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS — Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes, vape pens or any other personal vaporizing device, and includes any refill, cartridge or other component used in such a device.
- K. Possessing, consuming, selling, distributing, manufacturing or exchanging alcoholic beverages or illegal substances\*, or synthetic versions thereof whether specifically illegal or not, or being under the influence of such substances on District property, at a District function, on a school bus, or when representing the school district.
- L. Gambling.
- M. Indecent exposure, that is, exposure to sight of the private parts of the body.

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\* "Illegal substances" include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

- N. Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- O. Forging any school related document or correspondence.
- P. Knowingly making false statements of knowingly submitting false information to school staff during a disciplinary process.
- Q. Selling, using, or possessing or distributing firearms.
- R. Hiding evidence of an illegal act or school violation.

**V. Engage in misconduct while on a school bus or at a designated school bus stop.**

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

**VI. Engage in any form of academic misconduct.**

Examples of academic misconduct include, but are not limited to:

- A. Plagiarism.
- B. Cheating.
- C. Copying.
- D. Altering records, including altering the work of others without permission.
- E. Assisting another student in any of the above actions.

## **REPORTING VIOLATIONS**

All students will promptly report to a teacher, a dean, ~~an~~ assistant principal, ~~the~~ principal, any staff member, bus driver or the Superintendent, violations of the Code of Conduct involving violence or the threat of violence, including expressions of suicidal ideation. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function will, ~~in like manner,~~ report this information, immediately to a teacher, ~~a~~ dean, ~~an~~ assistant principal, ~~the~~ principal, any staff member, bus driver or the Superintendent.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of theis Code of Conduct to the principal or designee. Any weapon, alcohol or illegal substance found will be confiscated immediately, if possible, followed by notification to the parent/person(s) in parental relation of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by an entry in a school log maintained for such purpose, followed by a written confirmation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

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

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to strictly adhere to the requirements of due process.

Disciplinary action, when necessary, will be firm, fair and consistent. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents/persons in parental relation, teachers and/or others, as appropriate
6. Other extenuating circumstances.

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

Disciplinary procedures regarding students who have been classified, or who are under consideration for classification under the Individuals with Disabilities in Education Act (IDEA), are set forth in [Code of Conduct: Discipline of Students with Disabilities](#).

### **I. Penalties**

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

Oral warning – any member of the district staff

- A. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, deans, assistant principals, principal, Superintendent
- B. Written notification to parent/person(s) in parental relation – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, deans, assistant principals, principal, Superintendent

- C. Detention – teachers, deans, assistant principals, principal, Superintendent
- D. Suspension from transportation – director of transportation, principal, Superintendent
- E. Suspension from athletic participation – coaches, principal, Superintendent
- F. Suspension from social or extracurricular activities – activity director, principal, Superintendent
- G. Suspension of other privileges – principal, Superintendent
- H. In-school suspension – principal, Superintendent
- I. Removal from classroom by teacher – teachers, principal
- J. Short-term (five days or less) suspension from school principal, Superintendent, Board of Education
- K. Long-term (more than five days) suspension from school – principal, Superintendent, Board of Education
- L. Permanent suspension from school – Superintendent, Board of Education

## II. Procedures

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

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

### A. Detention

Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent/person(s) in parental relation has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### B. Suspension from transportation

If a student does not exhibit proper conduct on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent/person(s) in parental relation will become responsible for seeing that the student 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 New York State Education Law §3214. However, the student and the student's parent/person(s) in parental relation will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

C. Suspension from athletics, 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 New York State Education Law §3214. However, the student and the student's parent/person(s) in parental relation will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

D. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

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

E. 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 composure and self-control in an alternative setting. Such practices may include, but are not limited to: (a) short-term "time out" in an elementary classroom or in an administrator's office; (b) sending a student to the principal's office for the remainder of the class time only; or (c) 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, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for one to five days. The number of days a student may be removed from class will be jointly determined by the teacher and the principal, and will depend upon the age of the child and the nature of the disruption. 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 of the reason for the removal and an opportunity to offer a 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 of the reason for removal from the classroom and give the student a chance to offer a version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or 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/persons in parental relation, in writing, that the student has been removed from class and why. The notice must also inform the parent/person(s) in parental relation of the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

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/persons in parental relation 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/persons in parental relation 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 New York State Education Law §3214 and a suspension will be imposed.

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

Any disruptive student removed from the classroom by the classroom teacher will be offered continued educational programming and activities until 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 the 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 the class until it has been verified with the principal or the chairperson of the Committee on Special Education (CSE) that the removal will not violate the student's rights under New York State or Federal law or regulation.

F. Suspension from school

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

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

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals will 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, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

1. 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 New York State 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/persons in parental relation in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

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

The notice and opportunity for an informal conference will 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 will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents/persons in parental relation in writing of the decision. The principal will advise the

parents/persons in parental relation 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 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/persons in parental relation 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 New York State Commissioner of Education within 30 days of the decision.

In the event that an appeal results in a determination to overturn the suspension, the suspension will be expunged from the student's record.

2. 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, reasonable notice will be given to the student and the student's parents/persons in parental relation of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against the student and the right to present witnesses and other evidence on the student's behalf.

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 on school property or attending a school function.

The Superintendent will personally hear and determine the proceeding or may, at the Superintendent's discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will 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 30 business days of the date of the Superintendent's decision, unless the parents/persons in parental relation 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.

In the event that an appeal results in a determination to overturn the suspension, the suspension will be expunged from the student's record.

~~3. 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 on school property or attending a school function.~~

### **III. Minimum Periods of Suspension**

#### **A. Students who bring to or possess a firearm or weapon at school**

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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 New York State Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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/persons in parental relation, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of New York State and Federal law.

#### **B. Students who commit violent acts other than bringing to or possessing a firearm or weapon at school.**

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

penalty, the Superintendent may consider the same factors considered in modifying an one-year suspension for possessing a weapon.

~~C. 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 five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to New York State Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.~~

~~In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.~~

#### **IV. Referrals**

##### **A. Counseling**

The Guidance Office will handle all referrals of students to counseling.

##### **B. 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 supervision and treatment are required by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the New York State Education Law.
2. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
3. ~~Knowingly and unlawfully possesses marijuana in violation of New York State Penal Law § 221.05. A single violation of § 221.05 is a sufficient basis for filing a PINS petition.~~

##### **C. Juvenile Delinquents and Juvenile Offenders**

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

1. Any student under the age of 16 who is found to have brought a weapon to school; or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the New York State 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.

## **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 New York State Education Law §3214, the District will take immediate steps to provide alternative means instruction for the student. The Board of Education expects students, administrators, teachers and parents/persons in parental relation to make every effort to maintain student academic progress in the event of removal or suspension, and to support student re-entry to the classroom at the conclusion of the disciplinary action.

## **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~~ have 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 New York State laws and regulations.

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

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

A **suspension** means a suspension pursuant to New York State 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 the student or others.

An **IAES** means a temporary educational placement for a period of up to 45 day (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, the student will 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. This will include services and modifications that will address the behavior which precipitated the IAES placement and are designed to prevent the behavior from recurring.

- B. School personnel may order the suspension or removal of a student with a disability from the current educational placement as follows:
1. The Board, the 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.
  2. The Superintendent, following a Superintendent's hearing, 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 (see **Section C** below).
  3. The Superintendent may order additional suspensions in accordance with **Section C** below.
  4. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the 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.
    - a) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except for a pocket knife with a blade of less than 2 1/2 inches in length."
    - b) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both Federal and New York State law and regulations applicable to this policy.
    - c) "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 Federal Controlled Substances Act or any other Federal law.

- C. Subject to specified conditions required by both Federal and New York 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 the current educational placement poses a risk of harm to the student or others. This procedure may be repeated as necessary.

## **II. Change of Placement Rule**

- A. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - 1. for more than 10 consecutive school days; or
  - 2. 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.
- B. 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.

## **III. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

- A. The District's Committee on Special Education (CSE) will:
  - 1. 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 the 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 will 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 will convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

2. 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, following an expedited impartial hearing or a Superintendent's hearing, 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.
- B. The parents/persons in parental relation 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, will have the right to invoke applicable procedural safeguards set forth in Federal and New York State laws and regulations if, in accordance with Federal and New York 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.
1. The Superintendent, building principal or other school official imposing a suspension or removal will be responsible for determining whether the student is a student presumed to have a disability.
  2. 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:
    - a. conducted an individual evaluation and determined that the student is not a student with a disability, or
    - b. determined that an evaluation was not necessary and provided notice to the parents/persons in parental relation 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 will be conducted and completed in the manner prescribed by

applicable Federal and New York State laws 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 will remain in the educational placement determined by the district, which can include suspension.

- C. The district will provide parents/persons in parental relation 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 the 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 will accompany the notice of disciplinary removal.
- D. The parents/persons in parental relation of a student with disabilities subject to a suspension of five consecutive school days or less will be provided with the same opportunity for an informal conference available to parents/persons in parental relation of non-disabled students under the New York State Education Law.
- E. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- F. The removal of a student with disabilities other than a suspension or placement in an IAES will 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.
- G. During any period of suspension or removal, including placement in an IAES, students with disabilities will be provided services as required by the Commissioner's regulations incorporated into this code.

### **III. Expedited Due Process Hearings**

- A. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - 1. 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 the 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 the current educational placement during such proceedings.

2. The parent/person(s) in parental relation 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.
  - a) 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 will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parent/persons in parental relations and the district agree otherwise.
  - b) 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 will remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- B. An expedited due process hearing will 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, a written decision must be mailed to the District and the parents/persons in parental relation 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.

#### **V. Referral to law enforcement and judicial authorities**

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

- A. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- B. The Superintendent will 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 only to the extent permitted by the Family Education Rights and Privacy Act (FERPA).

### **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 oneself, 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 New York State Commissioner of Education in accordance with Commissioner's regulations

## **STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of *Miranda*<sup>1</sup> type warning before being questioned by school officials, nor are school officials required to contact a student's parent/person(s) in parental relation before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building administrators and the school nurse 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.

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<sup>1</sup> Requires that individuals be informed of their Federal Fifth and Sixth Amendment rights "prior to interrogation" if their statements are to be used against them in court.

Before searching a student or the student's belongings, the authorized school official should give the student the opportunity to say whether or not the student possesses physical evidence that they violated the law or the District Code of Conduct, and 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.

### **I. 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 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 and other school storage places may be subject to search at any time by school officials, including the removal of locks installed by students, without prior notice to students and without their consent.

### **II. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of this Code of Conduct and/or [Policy 5695 Personal Electronic Communication Devices](#). They are permitted to look at the screen of the confiscated cell phone and request the student's cooperation to search the cell phone further. Absent a student's permission, teachers should not undertake a more extensive search of a cell phone, and should notify the building principal as soon as practicable. In such instances, if the principal has reasonable suspicion that a search will result in the discovery of evidence that the law or the District Code of Conduct have been violated, the principal should alert the Superintendent of Schools or designee, who will contact the District's legal counsel for guidance.

### **III. Documentation of Searches**

The authorized school official conducting the search should promptly record the following information about each search:

- A. Name, age and grade of student searched.
- B. Reasons for the search.
- C. Name(s) of any informant(s) (to be kept confidential).
- D. Purpose of search (that is, what item(s) were being sought).
- E. Type and scope of search.
- F. Person conducting search and the title and position.
- G. Witnesses, if any, to the search.
- H. Time and location of search.
- I. Results of search (that is, what items(s) were found).
- J. Disposition of items found.
- K. Time, manner and results of parental notification, if contraband is found.

The building principal or designee will be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or

designee will clearly label each item taken from the student and retain control of the item(s). The principal or designee will be responsible for personally delivering dangerous or illegal items to police authorities.

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

- A. District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:
  - 1. A search or an arrest warrant; or
  - 2. Probable cause to believe a crime has been committed on school property or at a school function; or
  - 3. Been invited by school officials.
- B. Before police officials are permitted to question or search any student, the building principal or designee will first try to notify the student's parent/person(s) in parental relation to give the parent/person(s) in parental relation the opportunity to be present during the police questioning or search. If the student's parent/person(s) in parental relation cannot be contacted prior to the police questioning or search, the questioning or search will not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.
- C. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:
  - 1. They must be informed of their legal rights.
  - 2. They may remain silent if they so desire.
  - 3. They may request the presence of their attorney.

#### **V. Child Protective Services (CPS) Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to CPS when they have reasonable cause to suspect that a student has been abused or maltreated, the District will provide data and assistance to local CPS workers, or members of a multi-disciplinary team accompanying such workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as access to any child named as a victim in a report or a sibling of that child, or a child residing in the same home as the victim. Such access includes conducting an interview of such child without a court order or the consent of the parent, ~~guardian or other person legally responsible~~ /person in parental relation for the child when the CPS encounters circumstances that warrant interviewing the child apart from family or other members of the home or household where child abuse or maltreatment allegedly occurred.

All requests by CPS to interview a student on school property will be made directly to building principal or designee. CPS workers and any associated multi-disciplinary

team members must comply with the District's procedures for visitors, provide identification and identify the child(ren) to be interviewed. The building principal or designee will decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse to observe the interview either from inside or outside the interview room.

A CPS Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's/person in parental relation's consent.

## **VISITORS TO THE SCHOOLS**

As the Great Neck Public Schools are places of work and learning certain limits must be set for visits to the schools. The building principal or designee is responsible for all persons in the building and on the grounds. This is a shared responsibility, and it is expected that all staff will confirm that any visitors to a school are there for legitimate purposes.

In order to foster a secure environment for students and staff, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to a school must enter through a designated single point of entry. In accordance with [Policy 8105 Identification Badges](#), they will be required to present photo identification, and will be issued a visitor's identification badge which must be worn at all times and visibly displayed while in the school or on school grounds. The visitor must return the identification badge before leaving the building.
- Visitors attending school functions that are open to the public before, during or after regular school hours, such as parent-teacher organization meetings or public gatherings are not required to register.
- Visits for reasons other than attendance at school activities must be prearranged with the building principal.
- Teachers are expected to not take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the building principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by Board of Education [Code of Conduct: Public Conduct on School Property \(Policy 5300.70\)](#).

## **PUBLIC CONDUCT ON DISTRICT PROPERTY**

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

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

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

#### **I. Prohibited Conduct**

No person, either alone or with others, will:

- A. Intentionally injure any person, threaten to do so or endanger the safety of themselves or others.
- B. Intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other District employee or any person on District property, including graffiti or arson.
- C. Disrupt the orderly conduct of classes, District programs or other District activities.
- D. Distribute or wear materials on District grounds or at District functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the District program.
- E. Intimidate, harass or discriminate against any person on the basis of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- F. Enter any portion of the District premises without authorization or remain in any building or facility after it is normally closed.
- G. Obstruct the free movement of any person in any place to which this Code applies.
- H. Violate the traffic laws, parking regulations or other restrictions on vehicles;
- I. Possess, consume, sell, distribute, manufacture or exchange alcoholic beverages, controlled substances, cannabis or cannabinoid hemp or synthetic

versions thereof whether specifically illegal or not, or be under the influence of such substances on District property or at a District function.

- J. Possess or use weapons in or on District property or at a District function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- K. Loiter on or about District property.
- L. Gamble on District property or at District functions.
- M. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- N. Willfully incite others to commit any of the acts prohibited by this code.
- O. Violate any Federal or New York State statute, local ordinance or Board policy while on District property or while at a District function.
- ~~P. Smoke a cigarette, cigar, pipe, or use chewing or smokeless tobacco. The use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS – Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes and vape pens), and will include any refill, cartridge or other component used in such a device.~~
- P. Smoking (the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco, cannabis or cannabinoid hemp) and all other tobacco use or the use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS – Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes, vape pens or any other personal vaporizing device, and includes any refill, cartridge or other component used in such a device.

## II. Penalties

Persons who violate this Code will be subject to the following penalties:

- A. Visitors: Their authorization, if any, to remain on District grounds or at the District function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be ~~subject to ejection~~ considered trespassers and be subject to removal from the premises.
- B. Students: They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- C. ~~Tenured~~ Faculty members: They will be subject to disciplinary action as the facts may warrant in accordance with New York State Education Law §3020-a or any other legal rights that they may have.
- D. Staff members in the classified service of the civil service entitled to the protection of New York State Civil Service Law §75. They will be subject to immediate ejection and to disciplinary action as the facts may warrant in

accordance with New York State Civil Service Law §75 or any other legal rights that they may have

- E. Staff members other than those described in ~~subdivisions~~ sections 3 C and 4 D above. They will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **III. Enforcement**

The building principal or designee will be responsible for enforcing the conduct required by this code whenever school is in session and at all school related functions. The Superintendent of Schools or designee (~~e.g., Chief of Security~~) will be responsible at all other times.

When the building principal or designee sees an individual engaged in prohibited conduct, which in the principal's judgment does not pose any immediate threat of injury to persons or property, the principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or designee will 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 designee will 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 will initiate disciplinary action against any student or staff member, as appropriate, with the Penalties section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **DISSEMINATION AND REVIEW**

### **I. Dissemination of Code of Conduct**

The Board will work to ensure that the community is aware of this Code of Conduct by:

- A. Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- B. Making hard copies of the Code available to all parents/persons in parental relation at the beginning of the school year.
- C. Mailing a summary of the Code of Conduct to all parents/persons in parental relation of district students before the beginning of the school year and making this summary available later upon request.
- D. 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.
- E. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- F. Making copies of the Code available for review by students, parents/persons in parental relation 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.

## **II. Review of Code of Conduct**

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

The Board will annually 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/persons in parental relation, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days from the date of adoption.

## **CODE OF CONDUCT: INTRODUCTION**

The Board of Education 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/persons in parental relation 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").

Unless otherwise indicated, this Code applies to all students, school personnel, parents/persons in parental relation and other visitors when on school property or attending a school function.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12*

*Proposed Revision: 7/6/22; 8/25/22*

## CODE OF CONDUCT: DEFINITIONS

For purposes of this Code, the following definitions apply:

**Commissioner** means New York State Commissioner of Education.

**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, as defined in New York State Education Law §3214 (2a) (b).

**Firearm** means a firearm as defined in 18 USC §921 for purposes of the Federal Gun-Free Schools Act.

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

**School function** means any school-sponsored extra-curricular event or activity whether on or off school property, as defined in New York State Education Law §2801(1).

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, as defined in New York State Education Law §2801(1), or on a school bus, as defined in New York State Vehicle and Traffic Law §142.

**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, at a school function, or on a school bus, an act of violence upon another student or any other person on school property, at the school function, or on the school bus, or attempts to do so.
3. Possesses, while on school property, at a school function, or on a school bus, a firearm or weapon.
4. Displays, while on school property, at a school function, ~~or~~ on a school bus or on social media, what appears to be a firearm or weapon.
5. Threatens, while on school property, at a school function, ~~or~~ on a school bus or through social media, to use a firearm or weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property, at a school function, or on a school bus.
7. Knowingly and intentionally damages or destroys school district property.

**Weapon** means any ~~other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or~~

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incendiary bomb, gun, BB gun, disguised gun, electronic dart gun, electronic stun gun, machine gun, pistol, revolver, rifle, shotgun, box cutter, cane sword, dagger, dirk, gravity knife, metal knuckle knife, razor, stiletto, switchblade knife, brass knuckles, explosive or incendiary bomb, Kung Fu star, pepper spray or other noxious spray, sling shot, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 7/6/04; 10/15/12*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: STUDENT RIGHTS AND RESPONSIBILITIES**

### **I. Student Rights**

The District is committed to safeguarding the rights given to all students under New York State and Federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

- A. Take part in all district activities on an equal basis regardless of: age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- C. Access school rules and receive an explanation of those rules from school personnel.
- D. Confidentiality with regard to their school records and classroom performance.
- E. Student behavior and performance will be discussed by with staff on a need-to-know basis only.

### **II. Student Responsibilities**

All District students have the responsibility to:

- A. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- B. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- C. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- D. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- E. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- F. Control their anger.
- G. Ask questions when they do not understand.
- H. Seek help in solving problems that might otherwise lead to physical or emotional confrontation.
- I. Abide by the school dress code.
- J. Accept responsibility for their actions.
- K. 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.

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- L. Cooperate with school authorities in the investigation of incidents of violence or threats of violence.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 6/20/11; 10/15/12*

*Proposed Revision: 7/6/22; 8/25/22*

## CODE OF CONDUCT: ESSENTIAL PARTNERS

### I. Parents/Persons in parental relation

All parents are expected to:

- L. Recognize that the education of their children is a joint responsibility of the parents/persons in parental relation and the school community.
- M. Send their children to school ready to participate and learn.
- N. Ensure their children attend school regularly and on time.
- O. Notify the school that a child will be absent prior to the start of the school day.
- P. Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Q. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- R. Know school rules and help their children understand them so that their children can help create a safe, respectful, supportive school environment.
- S. Convey to their children a supportive attitude toward education and the District.
- T. Build good relationships with teachers, other parents/persons in parental relation and their children's friends.
- U. Help their children deal effectively with peer pressure.
- V. Inform school officials of changes in the home situation that may affect student conduct or performance.
- W. Provide a place for study and ensure homework assignments are completed.
- X. Build positive relationships with students, District staff, and other parents/persons in parental relation.
- Y. Be respectful and courteous to staff, other parents/~~guardians~~/persons in parental relation and students.

### II. Teachers

All District teachers are expected to:

- A. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- B. Be responsible for ~~appropriate~~ classroom instruction.
- C. Know school policies and rules, and enforce them in a fair and consistent manner.
- D. Communicate to students and parents/persons in parental relation on essential, grade-appropriate matters including, but not limited to:
  - (1) Course objectives and requirements
  - (2) Marking/grading procedures
  - (3) Assignment deadlines
  - (4) Expectations for students
  - (5) Classroom discipline plan
- E. Build positive relationships with children, parents/persons in parental relation and District staff.

- F. Maintain confidentiality in conformity with Federal and New York State law.
- G. Address issues of harassment or any situation that threatens the emotional or physical health of safety of any student, school employee or any person who is lawfully on school property or at a school function.

### III. Paraprofessionals

All District paraprofessionals are expected to:

- A. Maintain a climate of mutual respect and dignity, ~~which~~ that will strengthen students' self-concept and promote confidence to learn.
- B. Know school policies and rules, and enforce them in a fair and consistent manner.
- C. Report violations to school authorities.
- D. Build positive relationships with children, parents/persons in parental relation and District staff.
- E. Maintain confidentiality in conformity with Federal and New York State law.

### IV. Guidance/School Counselors

All District guidance counselors are expected to:

- A. Assist students in coping with peer pressure and emerging academic, personal, social and emotional ~~problems~~ needs.
- B. Initiate teacher/student/counselor conferences and parent/teacher/student counselor conferences, as necessary, as a way to resolve ~~problems~~ any issues.
- C. Review with students their educational progress and career plans.
- D. Encourage students to benefit from the curriculum, co-curricular and extracurricular programs.
- E. Meet regularly with individual teachers and teams to help identify and address student needs and placement.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.
- G. Maintain confidentiality in conformity with Federal and New York State law.
- H. Address issues of harassment or any situation that threatens the emotional or physical health of safety of any student, school employee or any person who is lawfully on school property or at a school function.

### V. Psychologists and Social Workers

All District psychologists and social workers are expected to:

- A. Assist in the maintaining of a school climate of mutual respect and dignity.
- B. Communicate with students, parents/persons in parental relation, teachers and building administrators concerning student learning issues and social-emotional wellbeing.
- C. Assist students in coping with emerging academic, personal, familial and school related social-emotional ~~problems~~ needs.
- D. Serve as a liaison between student/family/school and, where appropriate, community resources.

- E. Conduct necessary evaluations of student needs including status evaluations and functional behavioral assessments.
- F. Assist in District efforts in crisis/violence prevention and intervention, and Child Protective Services (CPS), Persons in Need of Supervision (PINS), and Social Service contacts.
- G. Assist in District efforts in student social skill development, parent education initiatives and staff development.
- H. Build positive relationships with children, parents/persons in parental relation and District staff.
- I. Maintain confidentiality in conformity with Federal and New York State law.

#### **VI. Security Staff**

All District security guards are expected to:

- A. Patrol their assigned areas.
- B. Remain vigilant at all times.
- C. Report violations of ~~the~~ this Code of Conduct to proper authorities.
- D. Maintain written security logs.
- E. Build positive relationships with children, parents/persons in parental relation and District staff.

#### **VII. Bus Drivers**

All bus drivers are expected to:

- A. Offer safe, efficient bus transportation to all eligible students.
- B. Have a written description of the bus route assigned.
- C. Complete a driver vehicle inspection report at the beginning and end of each day.
- D. Maintain a safe environment on the school bus.
- E. Know the District's school bus rules and report violations to the supervisor.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.

#### **VIII. Principals/Administrators**

All building principals/administrators are expected to:

- A. Promote a collegial, safe, orderly and stimulating school environment, supporting active teaching and learning.
- B. Ensure that students and staff have the opportunity to communicate with the principal and approach the principal for redress of grievances.
- C. Evaluate on a regular basis all instructional programs.
- D. Support the development of and student participation in appropriate co-curricular and extracurricular activities.
- E. Be responsible for enforcing ~~the~~ this Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- F. Build positive relationships with children, parents/persons in parental relation and District staff.
- G. Maintain confidentiality in conformity with Federal and New York State law.

- H. Build positive relationships with children, parents/persons in parental relation and District staff.

**IX. Dignity Act Coordinator(s)**

The District's Dignity Act Coordinator is:

Dr. Joseph Hickey

*Name*

516-441-4970, [jhickey@greatneck.k12.ny.us](mailto:jhickey@greatneck.k12.ny.us)

*Contact Information*

The Dignity Act Coordinator is expected to:

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Oversee and coordinate ~~the work of the~~ compliance with [Policy 0100 Equal Opportunity](#), [Policy 0110 Sexual Harassment](#) and [Policy 0115 Bullying and Harassment](#).
- C. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- D. Address staff/student personal biases that may prevent equal treatment of all students and staff.

**X. Superintendent**

The Superintendent of Schools is expected to:

- A. Implement the policies and directives of the Board of Education.
- B. Promote a collegial, safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- C. Review with District administrators the policies of the Board of Education and New York State and Federal laws relating to school operations and management.
- D. Inform the Board about educational trends relating to student discipline.
- E. Work to create instructional programs that minimize incidents of inappropriate behavior and ~~are sensitive to student and teacher needs.~~

- F. Work with District administrators in encouraging a positive school climate, enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- G. Build positive relationships with children, parents/persons in parental relation, District staff, and the community.
- H. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- I. Address staff/student personal biases that may prevent equal treatment of all students and staff.
- J. Promote a multi-tiered system of support for addressing student behavior ~~by supporting professional development and appropriate staffing.~~

#### **XI. Board of Education**

The Board of Education is expected to:

- A. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- B. Maintain confidentiality in accordance with Federal and New York State law.
- C. 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.
- D. Recommend a budget that provides programs and activities that support achievement of the goals of ~~the~~ this Code of Conduct
- E. Adopt and review annually the District's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- F. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
- G. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- H. Address personal biases that may prevent equal treatment of all students and staff.
- I. Promote a ~~trauma-informed approach to~~ multi-tiered system of support for addressing student behavior ~~by supporting professional development and providing a safe school environment.~~

*Adopted: 6/25/01*

*Amended: 10/15/12; 7/6/16; 6/20/19*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: 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/persons in parental relation 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.

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

1. Be safe and not disrupt ~~or interfere with~~ the educational process.
2. Include footwear appropriate to the activity.
3. Be worn in such a way that private body parts (genitals, buttocks, nipples) are covered with opaque material.
4. Not include items that are vulgar, obscene, or libelous, or that denigrate others on account of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
6. Not include gang-related clothing or symbols.

~~Each school's Shared Decision Making Committee may develop a more specific dress code appropriate to the needs of the building. Each principal or designee will be responsible for informing all students and their parents/persons in parental relation of the student dress code at the beginning of each school year and any revisions to the dress code made during the school year.~~

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

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 7/6/04; 10/15/12; 1/19/21; 8/25/22*

## **CODE OF CONDUCT: 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 District facilities, equipment and property.

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 students' ability to grow in self-discipline. The Board recognizes the need to make its expectations for student conduct while on District property or engaged in a District function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. ~~Students who will not accept responsibility for their own behavior and who violate these District rules will be required to accept the penalties for their conduct.~~

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

### **I. Engage in conduct that is disorderly and/or disrupts the normal operation of the school community.**

Examples of disorderly conduct include, but are not limited to:

- A. Obstructing vehicular or pedestrian traffic.
- B. 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.
- C. Using language or gestures that are profane, lewd, vulgar, abusive, or threatening.
- D. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, or digital cameras in a manner that is in violation of District policy.
- E. Computer/electronic communications misuse, including any unauthorized use of computers, software, cell phones, iPods, digital cameras, or internet/intranet account; accessing inappropriate websites; any other violation of the District's [Policy 4526 Computer Network and Internet Acceptable Use for Students And Staff](#) and [Policy 4528 Acceptable Use of Remote Instruction](#) or use of any electronic device to engage in harassing, bullying or sexting. Sexting is defined as sending sexually explicit messages, photographs, or videos electronically.
- F. Using drones on or above District property except as authorized by school personnel with the permission of the Superintendents of Schools or designee.

### **II. Engage in conduct that is insubordinate.**

Examples of insubordinate conduct include, but are not limited to:

- A. Failing to comply with the reasonable directions of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect.
- B. Missing class, leaving school without permission, chronic lateness and/or absenteeism.
- C. Failing to report for detention.
- D. Failing to vacate school grounds at the conclusion of school authorized activities.

**III. Engage in conduct that is violent.**

Examples of violent conduct include, but are not limited to:

- A. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other District employee or attempting to do so.
- B. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person on District property or attempting to do so.
- C. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
- D. Displaying what appears to be a weapon.
- E. Threatening to use any weapon.
- F. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person on District property, including graffiti or arson.
- G. Intentionally damaging or destroying District property.

**IV. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include, but are not limited to:

- A. Lying or withholding information to impede inquiry or investigation by proper authority.
- B. Stealing, misappropriating, or misusing the property of other students, school personnel or any other person on school property or attending a school function.
- C. Defamation, which includes making false 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.
- D. Discrimination, which includes the use of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight as a basis for treating another in a negative manner.

- E. Harassment, which includes a severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- F. Intimidation or bullying, including cyberbullying, which includes engaging in actions or statements that put an individual in emotional distress or fear of bodily harm.
- G. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District sponsored activity, organization, club or team.
- H. Selling, using, or possessing or distributing obscene material.
- I. Using obscene or abusive language or gestures.
- J. ~~Smoking a cigarette, cigar or pipe, using chewing or smokeless tobacco or using electronic cigarettes or e-cigarettes, known collectively as ENDS — Electronic Nicotine Delivery Systems and defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes and vape pens), and includes any refill, cartridge or other component used in such a device.~~  
Smoking (the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco, cannabis or cannabinoid hemp) and all other tobacco use or the use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS — Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes, vape pens or any other personal vaporizing device, and includes any refill, cartridge or other component used in such a device.
- K. Possessing, consuming, selling, distributing, manufacturing or exchanging alcoholic beverages or illegal substances\*, or synthetic versions thereof whether specifically illegal or not, or being under the influence of such substances on District property, at a District function, on a school bus, or when representing the school district.
- L. Gambling.
- M. Indecent exposure, that is, exposure to sight of the private parts of the body.
- N. Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- O. Forging any school related document or correspondence.
- P. Knowingly making false statements of knowingly submitting false information to school staff during a disciplinary process.
- Q. Selling, using, or possessing or distributing firearms.
- R. Hiding evidence of an illegal act or school violation.

\* "Illegal substances" include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

**V. Engage in misconduct while on a school bus or at a designated school bus stop.**

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

**VI. Engage in any form of academic misconduct.**

Examples of academic misconduct include, but are not limited to:

- A. Plagiarism.
- B. Cheating.
- C. Copying.
- D. Altering records, including altering the work of others without permission.
- E. Assisting another student in any of the above actions.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 7/6/04; 12/14/09; 10/15/12; 4/8/13; 11/13/17; 12/16/20*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: REPORTING VIOLATIONS**

All students will promptly report to a teacher, a dean, ~~an~~ assistant principal, ~~the~~ principal, any staff member, bus driver or the Superintendent, violations of the Code of Conduct involving violence or the threat of violence, including expressions of suicidal ideation. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function will, ~~in like manner~~, report this information, immediately to a teacher, ~~a~~ dean, ~~an~~ assistant principal, ~~the~~ principal, any staff member, bus driver or the Superintendent.

Students are prohibited from knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of this Code of Conduct to the principal or designee. Any weapon, alcohol or illegal substance found will be confiscated immediately, if possible, followed by notification to the parent/person(s) in parental relation of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by an entry in a school log maintained for such purpose, followed by a written confirmation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12; 12/16/20*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to strictly adhere to the requirements of due process.

Disciplinary action, when necessary, will be firm, fair and consistent. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents/persons in parental relation, teachers and/or others, as appropriate
6. Other extenuating circumstances.

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

Disciplinary procedures regarding students who have been classified, or who are under consideration for classification under the Individuals with Disabilities in Education Act (IDEA), are set forth in [Code of Conduct: Discipline of Students with Disabilities](#).

### **I. Penalties**

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

Oral warning – any member of the district staff

- A. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, deans, assistant principals, principal, Superintendent
- B. Written notification to parent/person(s) in parental relation – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, deans, assistant principals, principal, Superintendent
- C. Detention – teachers, deans, assistant principals, principal, Superintendent
- D. Suspension from transportation – director of transportation, principal, Superintendent
- E. Suspension from athletic participation – coaches, principal, Superintendent

- F. Suspension from social or extracurricular activities – activity director, principal, Superintendent
- G. Suspension of other privileges – principal, Superintendent
- H. In-school suspension – principal, Superintendent
- I. Removal from classroom by teacher – teachers, principal
- J. Short-term (five days or less) suspension from school principal, Superintendent, Board of Education
- K. Long-term (more than five days) suspension from school – principal, Superintendent, Board of Education
- L. Permanent suspension from school – Superintendent, Board of Education

## II. Procedures

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

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

### A. Detention

Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent/person(s) in parental relation has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

### B. Suspension from transportation

If a student does not exhibit proper conduct on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent/person(s) in parental relation will become responsible for seeing that the student 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 New York State Education Law §3214. However, the student and the student's parent/person(s) in parental relation will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

C. Suspension from athletics, 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 New York State Education Law §3214. However, the student and the student's parent/person(s) in parental relation will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

D. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher.

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

E. 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 composure and self-control in an alternative setting. Such practices may include, but are not limited to: (a) short-term "time out" in an elementary classroom or in an administrator's office; (b) sending a student to the principal's office for the remainder of the class time only; or (c) 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.

## 5300.40/4

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

A classroom teacher may remove a disruptive student from class for one to five days. The number of days a student may be removed from class will be jointly determined by the teacher and the principal, and will depend upon the age of the child and the nature of the disruption. 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 of the reason for the removal and an opportunity to offer a 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 of the reason for removal from the classroom and give the student a chance to offer a version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or 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/persons in parental relation, in writing, that the student has been removed from class and why. The notice must also inform the parent/person(s) in parental relation of the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

## 5300.40/5

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/persons in parental relation 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/persons in parental relation 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 New York State Education Law §3214 and a suspension will be imposed.

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

Any disruptive student removed from the classroom by the classroom teacher will be offered continued educational programming and activities until 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 the 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 the class until it has been verified with the principal or the chairperson of the Committee on Special Education (CSE) that the removal will not violate the student's rights under New York State or Federal law or regulation.

### F. Suspension from school

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

## 5300.40/6

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 will 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, will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### 1. 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 New York State 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/persons in parental relation in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

The notice will provide a description of the charges against the student and the incident for which suspension is proposed and will inform the parents/persons in parental relation of the right to request an immediate informal conference with the principal. Both the notice and informal conference will be in the dominant language or mode of communication used by the parents/persons in parental relation. At the conference, the parents/persons in parental relation will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference will 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 will take place as soon after the suspension as is reasonably practicable.

After the conference, the principal will promptly advise the parents/persons in parental relation in writing of the decision. The principal will advise the parents/persons in parental relation 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 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent will issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/persons in parental relation 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 New York State Commissioner of Education within 30 days of the decision.

In the event that an appeal results in a determination to overturn the suspension, the suspension will be expunged from the student's record.

2. 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, reasonable notice will be given to the student and the student's parents/persons in parental relation of their right to a fair hearing. At the hearing the student will have the right to be represented by counsel, the right to question witnesses against the student and the right to present witnesses and other evidence on the student's behalf.

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 on school property or attending a school function.

The Superintendent will personally hear and determine the proceeding or may, at the Superintendent's discretion, designate a hearing officer to conduct the hearing. The hearing officer will be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding. A record of the hearing will be maintained, but no stenographic transcript will be required. A tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer will 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 30 business days of the date of the Superintendent's decision, unless the parents/persons in parental relation 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.

In the event that an appeal results in a determination to overturn the suspension, the suspension will be expunged from the student's record.

3. 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 on school property or attending a school function.~~

### III. Minimum Periods of Suspension

A. Students who bring to or possess a firearm or weapon at school

Any student, other than a student with a disability, found guilty of bringing to or possessing a firearm or weapon on 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 New York State Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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/persons in parental relation, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of New York State and Federal law.

B. Students who commit violent acts other than bringing to or possessing a firearm or weapon at school.

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

~~C. 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 five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to New York State Education Law §3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.~~

~~In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.~~

#### IV. Referrals

##### A. Counseling

The Guidance Office will handle all referrals of students to counseling.

##### B. 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 supervision and treatment are required by:

## 5300.40/10

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

### C. Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the Nassau County Attorney for a juvenile delinquency proceeding before the Nassau County 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 New York State 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.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 7/6/04; 6/8/09, 10/15/12; 6/15/15; 1/19/21*

*Proposed Revision: 7/6/22; 8/25/22*

**CODE OF CONDUCT: 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 New York State Education Law §3214, the District will take immediate steps to provide alternative means instruction for the student. The Board of Education expects students, administrators, teachers and parents/persons in parental relation to make every effort to maintain student academic progress in the event of removal or suspension, and to support student re-entry to the classroom at the conclusion of the disciplinary action.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12; 7/6/16*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: 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 have 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 New York State laws and regulations.

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

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

A **suspension** means a suspension pursuant to New York State 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 the student or others.

An **IAES** means a temporary educational placement for a period of up to 45 day (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, the student will 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. This will include services and modifications that will address the behavior which precipitated the IAES placement and are designed to prevent the behavior from recurring.

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

1. The Board, the 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.

2. The Superintendent, following a Superintendent's hearing, 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 (see **Section C** below).
  3. The Superintendent may order additional suspensions in accordance with **Section C** below.
  4. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the 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.
    - a) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except for a pocket knife with a blade of less than 2 1/2 inches in length."
    - b) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both Federal and New York State law and regulations applicable to this policy.
    - c) "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 Federal Controlled Substances Act or any other Federal law.
- C. Subject to specified conditions required by both Federal and New York 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 the current educational placement poses a risk of harm to the student or others. This procedure may be repeated as necessary.

## **II. Change of Placement Rule**

- A. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
1. for more than 10 consecutive school days; or
  2. 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.

- B. 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.

### **III. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

- A. The District's Committee on Special Education (CSE) will:

- 1. 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 the 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 will 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 will convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- 2. 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, following an expedited impartial hearing or a Superintendent's hearing, 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.

- B. The parents/persons in parental relation 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, will have the right to invoke applicable procedural safeguards set forth in Federal and New York State laws and regulations if, in accordance with Federal and New York 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.
1. The Superintendent, building principal or other school official imposing a suspension or removal will be responsible for determining whether the student is a student presumed to have a disability.
  2. 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:
    - a. conducted an individual evaluation and determined that the student is not a student with a disability, or
    - b. determined that an evaluation was not necessary and provided notice to the parents/persons in parental relation 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 will be conducted and completed in the manner prescribed by applicable Federal and New York State laws 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 will remain in the educational placement determined by the district, which can include suspension.

- C. The district will provide parents/persons in parental relation 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 the 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 will accompany the notice of disciplinary removal.

- D. The parents/persons in parental relation of a student with disabilities subject to a suspension of five consecutive school days or less will be provided with the same opportunity for an informal conference available to parents/persons in parental relation of non-disabled students under the New York State Education Law.
- E. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
- F. The removal of a student with disabilities other than a suspension or placement in an IAES will 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.
- G. During any period of suspension or removal, including placement in an IAES, students with disabilities will be provided services as required by the Commissioner's regulations incorporated into this code.

### **III. Expedited Due Process Hearings**

- A. An expedited due process hearing will be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - 1. 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 the 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 the current educational placement during such proceedings.
  - 2. The parent/person(s) in parental relation 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.
    - a) 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 will remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parent/persons in parental relations and the district agree otherwise.

- b) 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 will remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- B. An expedited due process hearing will 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, a written decision must be mailed to the District and the parents/persons in parental relation 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.

**V. Referral to law enforcement and judicial authorities**

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

- A. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- B. The Superintendent will 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 only to the extent permitted by the Family Education Rights and Privacy Act (FERPA).

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 7/6/04, 10/15/12; 1/19/21*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: 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 oneself, 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 New York State Commissioner of Education in accordance with Commissioner's regulations.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of *Miranda*<sup>1</sup> type warning before being questioned by school officials, nor are school officials required to contact a student's parent/person(s) in parental relation before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building administrators and the school nurse 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 give the student the opportunity to say whether or not the student possesses physical evidence that they violated the law or the District Code of Conduct, and 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.

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<sup>1</sup> Requires that individuals be informed of their Federal Fifth and Sixth Amendment rights "prior to interrogation" if their statements are to be used against them in court.

**I. 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 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 and other school storage places may be subject to search at any time by school officials, including the removal of locks installed by students, without prior notice to students and without their consent.

**II. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of this Code of Conduct and/or [Policy 5695 Personal Electronic Communication Devices](#). They are permitted to look at the screen of the confiscated cell phone and request the student's cooperation to search the cell phone further. Absent a student's permission, teachers should not undertake a more extensive search of a cell phone, and should notify the building principal as soon as practicable. In such instances, if the principal has reasonable suspicion that a search will result in the discovery of evidence that the law or the District Code of Conduct have been violated, the principal should alert the Superintendent of Schools or designee, who will contact the District's legal counsel for guidance.

**III. Documentation of Searches**

The authorized school official conducting the search should promptly record the following information about each search:

- A. Name, age and grade of student searched.
- B. Reasons for the search.
- C. Name(s) of any informant(s) (to be kept confidential).
- D. Purpose of search (that is, what item(s) were being sought).
- E. Type and scope of search.
- F. Person conducting search and the title and position.
- G. Witnesses, if any, to the search.
- H. Time and location of search.
- I. Results of search (that is, what items(s) were found).
- J. Disposition of items found.
- K. Time, manner and results of parental notification, if contraband is found.

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

**IV. Police Involvement in Searches and Interrogations of Students**

- A. District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials,

however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
  2. Probable cause to believe a crime has been committed on school property or at a school function; or
  3. Been invited by school officials.
- B. Before police officials are permitted to question or search any student, the building principal or designee will first try to notify the student's parent/person(s) in parental relation to give the parent/person(s) in parental relation the opportunity to be present during the police questioning or search. If the student's parent/person(s) in parental relation cannot be contacted prior to the police questioning or search, the questioning or search will not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.
- C. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:
1. They must be informed of their legal rights.
  2. They may remain silent if they so desire.
  3. They may request the presence of their attorney.

#### **V. Child Protective Services (CPS) Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to CPS when they have reasonable cause to suspect that a student has been abused or maltreated, the District will provide data and assistance to local CPS workers, or members of a multi-disciplinary team accompanying such workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as access to any child named as a victim in a report or a sibling of that child, or a child residing in the same home as the victim. Such access includes conducting an interview of such child without a court order or the consent of the parent, ~~guardian or other person legally responsible~~ /person in parental relation for the child when the CPS encounters circumstances that warrant interviewing the child apart from family or other members of the home or household where child abuse or maltreatment allegedly occurred.

All requests by CPS to interview a student on school property will be made directly to building principal or designee. CPS workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification and identify the child(ren) to be interviewed. The building principal or designee will decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse to observe the interview either from inside or outside the interview room.

## **5300.60/3**

A CPS Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's/person in parental relation's consent.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12; 11/14/16; 1/19/21*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: VISITORS TO THE SCHOOLS**

As the Great Neck Public Schools are places of work and learning certain limits must be set for visits to the schools. The building principal or designee is responsible for all persons in the building and on the grounds. This is a shared responsibility, and it is expected that all staff will confirm that any visitors to a school are there for legitimate purposes.

In order to foster a secure environment for students and staff, 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 a school must enter through a designated single point of entry. In accordance with [Policy 8105 Identification Badges](#), they will be required to present photo identification, and will be issued a visitor's identification badge which must be worn at all times and visibly displayed while in the school or on school grounds. The visitor must return the identification badge before leaving the building.
3. Visitors attending school functions that are open to the public before, during or after regular school hours, such as parent-teacher organization meetings or public gatherings are not required to register.
4. Visits for reasons other than attendance at school activities must be prearranged with the building principal.
5. Teachers are expected to not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the building principal or 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 Board of Education [Code of Conduct: Public Conduct on School Property \(Policy 5300.70\)](#).

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12; 5/13/13; 8/29/19*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: PUBLIC CONDUCT** **ON DISTRICT PROPERTY**

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

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

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

### **I. Prohibited Conduct**

No person, either alone or with others, will:

- A. Intentionally injure any person, threaten to do so or endanger the safety of themselves or others.
- B. Intentionally damage or destroy school district property or the personal property of a student, teacher, administrator, other District employee or any person on District property, including graffiti or arson.
- C. Disrupt the orderly conduct of classes, District programs or other District activities.
- D. Distribute or wear materials on District grounds or at District functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the District program.
- E. Intimidate, harass or discriminate against any person on the basis of age, ancestry, color, creed, disability, ethnic group, gender (including gender expression and identity), genetic predisposition, marital status, national origin, parental status, physical characteristics, actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), religion, religious practice, reproductive health decisions, sex, sexual orientation, or weight.
- F. Enter any portion of the District premises without authorization or remain in any building or facility after it is normally closed.
- G. Obstruct the free movement of any person in any place to which this Code applies.
- H. Violate the traffic laws, parking regulations or other restrictions on vehicles;

- I. Possess, consume, sell, distribute, manufacture or exchange alcoholic beverages, controlled substances, cannabis or cannabinoid hemp or synthetic versions thereof whether specifically illegal or not, or be under the influence of such substances on District property or at a District function.
- J. Possess or use weapons in or on District property or at a District function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- K. Loiter on or about District property.
- L. Gamble on District property or at District functions.
- M. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- N. Willfully incite others to commit any of the acts prohibited by this code.
- O. Violate any Federal or New York State statute, local ordinance or Board policy while on District property or while at a District function.
- ~~P. Smoke a cigarette, cigar, pipe, or use chewing or smokeless tobacco. The use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS – Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes and vape pens), and will include any refill, cartridge or other component used in such a device.~~
- P. Smoking (the burning of a lighted cigar, cigarette, pipe or any other matter or substance that contains tobacco, cannabis or cannabinoid hemp) and all other tobacco use or the use of electronic cigarettes and other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited. Electronic cigarettes or e-cigarettes, known collectively as ENDS – Electronic Nicotine Delivery Systems, are defined as electronic devices that deliver vapor that is inhaled by an individual user (including but not limited to e-pens, e-pipes, e-hookah, e-cigars, vaporizers, vapor pipes, vape pens or any other personal vaporizing device, and includes any refill, cartridge or other component used in such a device.

## II. Penalties

Persons who violate this Code will be subject to the following penalties:

- A. Visitors: Their authorization, if any, to remain on District grounds or at the District function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be ~~subject to ejection~~ considered trespassers and be subject to removal from the premises.
- B. Students: They will be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- C. ~~Tenured~~ Faculty members: They will be subject to disciplinary action as the facts may warrant in accordance with New York State Education Law §3020-a or any other legal rights that they may have.

- D. Staff members in the classified service of the civil service entitled to the protection of New York State Civil Service Law §75. They will be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with New York State Civil Service Law §75 or any other legal rights that they may have
- E. Staff members other than those described in ~~subdivisions~~ sections 3 C and 4 D above. They will be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **III. Enforcement**

The building principal or designee will be responsible for enforcing the conduct required by this code whenever school is in session and at all school related functions. The Superintendent of Schools or designee (~~e.g., Chief of Security~~) will be responsible at all other times.

When the building principal or designee sees an individual engaged in prohibited conduct, which in the principal's judgment does not pose any immediate threat of injury to persons or property, the principal or designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or designee will 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 designee will 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 will initiate disciplinary action against any student or staff member, as appropriate, with the Penalties section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

*Great Neck Public Schools*

*Adopted: 6/25/01*

*Amended: 10/15/12; 4/8/13; 7/6/16; 5/13/19; 12/16/20*

*Proposed Revision: 7/6/22; 8/25/22*

## **CODE OF CONDUCT: DISSEMINATION AND REVIEW**

### **I. Dissemination of Code of Conduct**

The Board will work to ensure that the community is aware of this Code of Conduct by:

- A. Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- B. Making hard copies of the Code available to all parents/persons in parental relation at the beginning of the school year.
- C. Mailing a summary of the Code of Conduct to all parents/persons in parental relation of district students before the beginning of the school year and making this summary available later upon request.
- D. 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.
- E. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- F. Making copies of the Code available for review by students, parents/persons in parental relation 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.

### **II. Review of Code of Conduct**

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

The Board will annually 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/persons in parental relation, students and any other interested party may participate.

## **5300.75/2**

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days from the date of adoption.

*Great Neck Public Schools*

*Adopted: 6/25/01*

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*Proposed Revision: 7/6/22; 8/25/22*