

*Public Schools of the Tarrytowns*

# Code of Conduct



**Code of Conduct  
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# **CODE OF CONDUCT**

## **I. Introduction**

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

The district has a long-standing set of expectations for conduct on school property and at school functions, whether such function is held on or off school grounds. These expectations are based on the principles of civility, mutual respect, citizenship, character, appreciation of differences, honesty and integrity. No student shall be subjected to harassment and/or bullying by District staff or students on school property or at school functions. Nor shall any student be subjected to discrimination by District staff or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. Conduct that occurs off of school property may also be the basis for disciplinary action if there is a connection between the conduct and school and the conduct endangers the health or safety of a District student(s) or district personnel or adversely affects the educational process. To this end, the Board adopts this code of conduct ("code").

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

## **II. Definitions**

For purposes of this code, the following definitions apply.

“Assault” means intentionally or recklessly causing physical injury to a person with or without a weapon. Physical injury means impairment of physical condition or substantial pain and includes (but is not limited to) such events as black eye, welts, abrasion, bruising, black/blue marks, cuts, swelling, severe headaches, joint, muscle pain; stab or puncture wound, fractured or

broken bone or teeth, concussion, risk of death or disfigurement, health impairment or loss of function of any bodily organ.

“Bullying” shall mean repeatedly inflicting physical pain or psychological distress on one or more students or employees. Bullying shall also mean purposeful written, verbal, nonverbal or physical behavior that is often characterized by an imbalance of power, including but not limited to any threatening, insulting, or dehumanizing gesture by an adult or student that has the potential to create an intimidating, hostile or offensive educational environment, to cause discomfort or humiliation, or to interfere unreasonably with the individual’s school performance or participation. Bullying may involve but is not limited to teasing; threatening; intimidating; stalking; cyberstalking; cyberbullying; physical violence; theft; harassment; humiliation; social exclusion and/or destroying or damaging school property or the personal property of another. Bullying can take at least three forms: (a) physical which may include, but is not limited to, hitting, kicking, spitting, pushing, taking personal belongings; (b) verbal which may include, but is not limited to, taunting, teasing, name calling, making threats; and (c) psychological which may include, but is not limited to, spreading rumors, relational aggression, manipulating social relationships or engaging in social exclusion, extortion or intimidation.

“Cyberbullying” shall mean the repeated use of electronic information technology, including but not limited to email, text messaging, instant messaging, chat rooms, blogs, social networking sites, gaming systems and/or websites, by a group or individual to bully, harass, threaten, intimidate or inflict psychological distress upon one or more students or employees.

“Dignity Act Coordinator (DAC) – The Dignity Act requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex (Education Law §13[3]). Each Coordinator shall be employed by the Tarrytown Union Free School District, and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools. This staff member should be referred to as the Dignity Act Coordinator (DAC).

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

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to,

discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"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. 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.

"Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

"Employee" means any person receiving compensation from the Tarrytown Union Free School District, or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to the Tarrytown Union Free School District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§11[4] and 1125[3]).

"Gender" means actual or perceived sex and shall include a person's gender identity or expression. (Education Law § 11[67]).

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Harassment," which may include bullying, means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

- (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.

Such definition includes acts of harassment, including bullying, that occur: (i) on school property; and/or (ii) at a school function; and/or (iii) off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).

“Intimidation” NYS VADIR defines intimidation as repeated “threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in written, verbal or physical conduct that threatens a person or group with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practice, gender, sexual orientation, age or disability that substantially disrupts the educational process.”

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

“School bus” means every motor vehicle owned and operated by the Tarrytown Union Free School District for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity and a motor vehicle privately owned and operated for compensation for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school functions.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law S142.

"School function" means any school-sponsored extracurricular event or activity, whether such function is held on or off school grounds.

“Sexting” means sending, receiving or forwarding a nude, partially nude or sexual image to another using a computer, laptop, cell phone, webcam, digital camera, video camera, game device, personal digital assistant or computer network.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality. (Education Law § 11[5J])

“Student with a disability” means a student who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. This phrase does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

"Violent student" means a student under the age of 21 who:(a) possesses a weapon while on school property or at a school function; (b) commits, attempts to commit, or threatens to commit, an act of violence upon a school employee, upon another student or upon any other person lawfully on school property or at a school function; (c) displays, while on school property or at a school function, what appears to be a weapon; (d) threatens, while on school property or at a school function, to use a weapon or to use any instrument that appears capable of causing physical injury or death; (e) knowingly and intentionally damages, destroys or threatens to damage or destroy the personal property of any school employee, student or any person lawfully on school property or at a school function or (f) knowingly and intentionally damages, destroys or threatens to damage or destroy property on school grounds or at a school function or the property of another individual or entity at a school function.

"Weapon" means a firearm as defined in 18 USC S921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade, knife, gravity knife, brass knuckles, slingshot, metal knuckles, box cutter, can sword, electronic dart gun, Kung Fu star, electronic stun gun, laser pointer, pepper spray or other noxious spray, explosive or incendiary bomb. A weapon also means any other device, instrument, material or substance that can cause physical injury or death, whether or not such physical injury or death actually occurs.

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

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

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

1. Take part in all District activities on an equal basis regardless of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability.
2. Not be subjected to harassment/and/or bullying by District personnel or other students on school property or at school functions.
3. Not be subjected to discrimination based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability by District personnel or other students on school property or at school functions.

4. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
5. Access school rules and, receive an explanation of those rules from school personnel.

## **B. Student Responsibilities:**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school functions and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. All students have the responsibility not to engage in harassment and/or bullying on school property or at school functions.
13. All students have the responsibility to not engage in discrimination based upon another student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

## **IV. Essential Partners**

### **A. Parents:**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.



4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Monitor their children's use of personal technology.
14. Discuss with their child(ren) the importance of mutual respect and dignity for their peers regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

## **B. Teachers/Teaching Assistants:**

All district teachers and teaching assistants, in conjunction with the teachers they work with, are expected to:

1. Maintain a climate of mutual respect and dignity, for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Maintain confidentiality in conformity with federal and state law.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment, bullying and/or discrimination, or any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.

10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. Report incidents of discrimination, harassment and/or bullying that are witnessed by the teacher/teaching assistant, or otherwise brought to the teacher/teaching assistant's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after the teacher/teaching assistant witnesses or receives a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

### **C. Support Staff (Psychologists, School Counselors, Student Assistant Counselors and Social Workers, etc.):**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences as necessary, as a way to resolve problems.
3. Encourage students to benefit from the curriculum and extracurricular programs.
4. Maintain confidentiality in conformity with federal and state law.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
6. Regularly review with students their educational progress and career plans.
7. Address issues of harassment, discrimination and/or bullying, or any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Provide information to assist students with career planning.
10. Make known to students and families the resources in the community that are available to meet their needs.
11. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
12. Report incidents of discrimination, harassment and/or bullying that are witnessed by the guidance counselor, or otherwise brought to the guidance counselor's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after the guidance counselor witnesses or receives a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

### **D. Other School Personnel (Including School Resource Officer)**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment, discrimination and/or bullying, 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.
7. Address personal biases that may prevent equal treatment of all students.
8. Report incidents of discrimination, harassment and/or bullying that are witnessed by any other school personnel, or otherwise brought to the school personnel's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after such employee witnesses or receives a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

### **E. Building Administrators (Principals, Assistant Principals):**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain confidentiality in accordance with federal and state law.
7. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment, discrimination and/or bullying, 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.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
12. Address and/or report incidents of discrimination, harassment and/or bullying that are witnessed by the Building Administrator, or otherwise brought to the Building Administrator's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after the Building Administrator witnesses or receives a

report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

13. Along with the Dignity Act Coordinator, investigate incidents of discrimination, harassment and/or bullying that are witnessed by the principal, or otherwise brought to the principal's attention, in a timely manner.

## **F. The Dignity Act Coordinator(s)**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment, discrimination and/or bullying, 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.
7. Address personal biases that may prevent equal treatment of all students and staff.

### **Dignity Act Coordinators:**

Maureen Barnett  
914-631-5526  
mbarnett@tufsd.org  
John Paulding School

Torrance Walley  
914-631-4144  
twalley@tufsd.org  
W.L. Morse School

Rosemarie Romano  
914-631-4442  
rromano@tufsd.org  
Washington Irving School

Richard Crawford  
914-332-5821  
rcrawford@tufsd.org

Sleepy Hollow Middle School

Anthony Baxter  
914-332-6203  
abaxter@tufsd.org  
Sleepy Hollow High School

### **G. Superintendent:**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain confidentiality in accordance with federal and state law.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment, discrimination and/or bullying, 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.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
11. Report incidents of discrimination, harassment and/or bullying that are witnessed by the Superintendent, or otherwise brought to the Superintendent's attention, by orally notifying the principal, or the principal's or superintendent's designee not later than one (1) school day after the Superintendent witnesses or receives a report of such acts, and by filing a written report with the principal, or the principal's or superintendent's designee no later than two (2) school days after making an oral report.

### **H. Board of Education:**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. 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.

3. Review at least annually, and adopt if necessary, the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
5. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code of Conduct.
6. Maintain confidentiality in accordance with federal and state law.
7. Address issues of harassment, discrimination and/or bullying, 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.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
10. Report incidents of discrimination, harassment and/or bullying that are witnessed by the Board member, or otherwise brought to the Board member's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after the Board member witnesses or receives a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

All District employees share a role in promoting a safe and orderly school environment and maintaining a climate of mutual respect and dignity.

## **V. Student Dress Code**

All students are expected to dress in a way that is appropriate for the school day or for any school sponsored event, including proper attention to personal cleanliness. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. Students and their parents have the primary responsibility for acceptable student dress and appearance. The school district is responsible for seeing that student attire does not interfere with the health, emotional wellness or safety of any student, that attire does not contribute to a hostile or intimidating atmosphere for any student, and that dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Teachers and 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 shall be safe, appropriate, and not disrupt or interfere with the educational process and shall:

1. Clothing must be worn in a way such that buttocks and breasts are fully covered with non-see through fabric.

- a. A shirt (with fabric in the front, back and on the sides under the arms)
  - b. Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts)
  - c. Shoes (shoes should be appropriate for the activity. Footwear that is a safety hazard will not be allowed)
2. Not include extremely brief garments and see-through garments.
  3. Ensure that underwear is covered with outer clothing.
  4. Not include the wearing of winter coats in the school building except when entering or exiting the building.
  5. At the high school level, not include the wearing of hats, sweat headbands or head coverings in classrooms, or other instructional areas, except for a medical or religious purpose. At the elementary level and at the middle school level, these items are not to be worn anywhere in the buildings, except for a medical or religious purpose.
  6. Not include items that are vulgar, obscene, libelous, or denigrate others, including, but not limited to, items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, religion, religious practice, weight, ethnic group, sex, creed, national origin, gender, sexual orientation, or disability.
  7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements below.

- Students will only be removed from spaces, hallways, or classrooms as a result of a dress code violation. Students in violation of the dress code will be provided three (3) options to be dressed more to code during the school day:
  - o Students will be asked to put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
  - o Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
  - o If necessary, student's parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be affected by dress code enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.
- School staff shall not enforce the school's dress code more strictly against transgender and gender nonconforming students than other students.

Students should not be shamed or required to display their body in front of others (students, parents, or staff) in school. “Shaming” includes, but is not limited to:

- kneeling or bending over to check attire fit;
- measuring straps or skirt length;
- Asking students to account for their attire in the classroom or in hallways in front of others;
- Calling out students in spaces, in hallways, or in classrooms about perceived dress code violations in front of others.
- Accusing students of “distracting” other students with their clothing.

These dress code guidelines shall apply to regular school days and summer school days, as well as any school-related events and activities, such as graduation ceremonies, dances and prom.

Students who feel they have been subject to discriminatory enforcement of the dress code should contact the Assistant Principal or Principal of their school building.

## **VI. Prohibited Student Conduct**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel, and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students’ ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school 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 school rules will be required to accept the penalties for their conduct.

The following categories of conduct are not intended to be either mutually exclusive or exhaustive. Students may be subject to disciplinary action, up to and including suspension from school, when they:

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

1. Running in hallways.
2. Making unreasonable noise.



3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. 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.
6. Unauthorized use of District or personal electronic or technological devices, including but not limited to computers, laptops, cell phones, personal digital assistants (*e.g.* Android or Blackberry devices), computer networks, gaming devices, data and storage devices, internet/intranet-access, software, firmware, hardware or cameras.
7. Accessing inappropriate websites on school property or at school functions using District or personal electronic or technological devices, including but not limited to computers, laptops, cell phones, personal digital assistants (*e.g.* Android or Blackberry devices), computer networks, gaming devices, data and storage devices, internet/intranet access, software, firmware, hardware or cameras.
1. Violating the district's acceptable use policy. (See Appendix #1)

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness, to school or a particular class
3. Missing or leaving school, a class, an activity or a school function without permission.
4. Skipping detention.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Engaging in any willful act that disrupts the normal operation of the school community.
3. Bringing electronic games, walkie-talkies, two-way radios, water guns, rollerblades, skateboards, etc. to school unless it is to be used as part of a preplanned classroom activity under the direction of a teacher.
4. Beepers and cell phones may not be visible, or turned on or used during the school day, during examination periods, or at any time when school is in session.
5. At the elementary level, and at the middle school level, CD players, MP3 players, or other entertainment devices may not be brought to school. At the high school level, CD players, MP3 players, or other entertainment devices may not be visible, audible, or used during the school day, unless it is to be used as part of a preplanned classroom activity under the direction of a teacher.

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

1. Committing an act of violence or threatening to commit an act of violence (such as hitting, kicking, punching, biting and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence or threatening to commit an act of violence (such as hitting, kicking, punching, biting and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability as a basis for treating another in a negative manner.
5. Bullying another student, school personnel or any other person lawfully on school property or attending a school function which includes a sufficiently 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, demeaning, annoying or threatening.
6. Cyberbullying another student, school personnel or any other person lawfully on school property or attending a school function using either school or personal information technology equipment.
7. Harassment, which includes the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student. (See definition in Section II of this Code).
8. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. Hazing activities produce mental or physical discomfort, embarrassment or humiliation.
10. Selling, using, distributing (which includes “sexting”) or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Smoking a cigarette, electronic cigarettes, cigar, pipe, juuls, vaping or using chewing or smokeless tobacco. Vaping is prohibited on school property. Students are not allowed to possess any vaping paraphernalia, such as juuls.
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, special k, ecstasy and any substances commonly referred to as "designer drugs."
14. Possessing or inappropriately using or sharing prescription drugs, over-the-counter drugs or any other substances that are used for intoxication or to alter one’s mental or physical state.
15. Gambling.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

#### **F. Engage in misconduct while on a school bus.**

It is crucial for students to behave appropriately while riding on school 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.

#### **G. Engage in any form of academic misconduct. Examples of academic misconduct include:**

1. Plagiarism - copying or stealing someone else’s words or ideas and claiming or presenting them as if they were your own.
2. Cheating
3. Copying the work of another student
4. Altering teacher and or district records
5. Assisting another student in committing any of the above actions.

**H. Engage in off-campus misconduct** that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:

1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

## **VII. Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, support staff, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a staff member, the building principal, the principal's designee or the superintendent.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his/her 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 his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as to the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

### Reporting Discrimination, Harassment and/or Bullying:

All students who are witnesses to, or subjected to, incidents of discrimination, harassment and/or bullying by another student, by any District staff and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to the Dignity Act Coordinator, a teacher, guidance counselor, the building principal or his or her designee.

All parents and/or visitors who are witnesses to, or receive a report of, a violation of the code of conduct or discrimination, harassment and/or bullying by a student, by a District staff member and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to District staff.

School employees who witness discrimination, harassment and/or bullying, or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one (1) school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of discrimination, harassment and/or bullying, and ensure that such investigation is completed promptly after receipt of any written reports.

When an investigation verifies a material incident of discrimination, harassment and/or bullying, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the discrimination, harassment and/or bullying, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any discrimination, harassment and/or bullying constitutes criminal conduct.

The principal shall provide a regular report, at least once during each school year, on data and trends related to discrimination, harassment and/or bullying to the superintendent.

Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of discrimination, harassment and/or bullying.

It is essential that all targets and persons with knowledge of incidents of discrimination, harassment and/or bullying report such behavior as soon as possible after the incident so that it may be effectively investigated and resolved. The Tarrytown Union Free School District will promptly and equitably investigate all complaints, formal or informal, verbal or written. In order to assist investigators, individuals should document any incident of discrimination, harassment and/or bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's

response to the incident. If, after appropriate investigation, the Tarrytown Union Free School District finds that a student, a District staff member or a third party has violated the code of conduct, prompt corrective action and possibly disciplinary action will be taken in accordance with this code of conduct, applicable collective bargaining agreements, District policy and state law.

## **VIII. Disciplinary Penalties**

### **Procedures and Referrals**

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. This general rule does not prevent the District from imposing severe disciplinary measures in the first instance of a student's serious misconduct.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

#### **A. Penalties**

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

1. Oral warning – any member of the district staff

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

## **B. Procedures**

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

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

### **1. Detention**

Teachers, building administrators and the superintendent may use detention as a penalty for student misconduct in situations where they deem removal from the classroom or suspension would be inappropriate.

## **2. Suspension from transportation**

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

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

## **3. Suspension from athletic participation, extracurricular activities and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

## **4. In-school suspension**

The Board recognizes that 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 administrators 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 or teaching assistant.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law S3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

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

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



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

A secondary classroom teacher may remove a disruptive student from class for up to two days. An elementary teacher may remove a disruptive student from class for up to one hour per day for two consecutive school days. The removal from class applies to the class of the removing teacher only.

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

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

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

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

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

The principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

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

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

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

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

## **6. Suspension from school**

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

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the

principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education law S3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within ten business days. If extraordinary circumstances precluded them from filing a timely appeal, the parents must provide specific details as to the nature of the circumstances. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendent’s decision. If extraordinary circumstances precluded them from filing a timely

appeal, the parents must provide specific details as to the nature of the circumstances. The Board of Education shall render a written decision regarding the appeal within 30 business days of receiving it. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

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

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision. If extraordinary circumstances precluded them from filing a timely appeal, the parents must provide specific details as to the nature of the circumstances. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**c. Permanent suspension**

When the superintendent or building principal determines a permanent suspension may be warranted, he or she shall follow the same procedures as set forth above for a long-term (more than 5 days) suspension.

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

**C. Minimum Periods of Suspension**

**1. Students who bring a weapon to school or to a school function**

Any student found guilty of bringing a weapon onto school property or to a school function will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law S3214. 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, teachers and/or others.
6. Other extenuating circumstances.

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

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

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

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law S3214 (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 parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to

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

## **D. Referrals**

### **1. Counseling**

The support staff shall handle all referrals of students to counseling.

### **2. PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possessing marijuana in violation of penal Law 221.05. A single violation of 221.05 will be a sufficient basis for filing a PINS petition.
- d. Engaging in prostitution in violation of Section 230.00 of the Penal Law.
- e. Being subjected to sexual exploitation as defined in subsections (a), (b) or (d) of Section 447-a of the Social Service Law.

### **3. Juvenile Delinquents and Juvenile Offenders**

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

- a. Any student under the age of 16 who is found to have brought a weapon to school, in violation of Education Law §3214, to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act (except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law S1.20 (42)).
- b. Any student 16 years of age or older, or a student fourteen or fifteen years old who qualifies for juvenile offender status under the Criminal Procedure Law S1.20 (42) who has been determined to have brought a weapon or firearm to school in violation of Education Law §3214, to the appropriate law enforcement officials.

## **E. Remedial Measures**

In order to create and maintain a positive learning environment for all students, the Tarrytown Union Free School District believes that certain remedies and procedures which focus on intervention and education should be utilized. Such remedial measures are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act(s). District staff is authorized to provide for:

1. Peer support groups;
2. Assignment of an adult mentor at school that the student checks in with at

- the beginning and end of each school day;
3. Corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
  4. Engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
  5. Supportive intervention and/or mediation where constructive conflict resolution is modeled;
  6. Behavioral assessment(s) and/or evaluation(s);
  7. Behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
  8. Student counseling and parent conferences that focus on involving persons in parental relations in discipline issues.

## **IX. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law S3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **X. 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 are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

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

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

A “suspension” means a suspension pursuant to Education Law S3214.

A “removal” means a removal for disciplinary reasons from the student’s current



Educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension or removal and that the amount of time does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a disciplinary change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to or on school property or to or at a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while on school property or at a school function or has inflicted serious bodily injury upon another person while on school property or at a school function.

- 1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable for causing death or serious bodily injury, except . . . [for] a pocket knife with a blade of less than 2 ½ inches in length.”
  - 2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law regulations applicable to this policy.
  - 3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student’s behavior is substantially similar in the incidents; and because of such additional factors as the length of each suspension or removal, the total amount of the suspensions or removals and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) The parents of the student have not allowed an evaluation of the child by the District; or
- 3) The parents of the student have refused services.

If the superintendent, building principal or other school official imposing suspension or removal determines 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 a non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is complete, the non-disabled student who is not presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

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

The procedural safeguard notice prescribed by the Commissioners shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Educational Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive school days or for a period that would result in a disciplinary change in placement, unless the manifestation team has determined that the behavior is not a manifestation of the student's disability.

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

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

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing to challenge the determination that the student's behavior was not a manifestation of the student's disability, or requests such a hearing relating to any suspension or removal of a student from his/her current placement, including but not limited to any decision to place the students in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on ground of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall occur within 20 school days of receipt of the request for a hearing. The impartial hearing officer must mail a written decision to the district and the parents within 10 school days after the last hearing date, and in no event later than 45 calendar days from the date required for the commencement of the hearing, without exceptions or extensions.

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

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XI. 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 Commissioner of Education in accordance with Commissioner's regulations.

## **XII. 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"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building administrators, the school nurse and district security officials to conduct searches of students and their belongings if the

authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings if the official has a reasonable suspicion that the search will turn up evidence that a law or school rule has been violated. The scope of the search must be reasonable in relation to the evidence sought and/or the law or school rule that the official believes may have been violated.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. The district owns and controls the lockers, desks and other school storage places. Students are only permitted to use them during the school year for legitimate school purposes. 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, without prior notice to students and without their consent.

#### **B. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the nature of the suspected evidence/contraband, the student’s age, the student’s record and the need for such a search.

School officials will attempt to notify the student’s parents by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### **C. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

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

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

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 arrest warrant; or



2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students 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 an attorney.

### **E. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall state the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker, peace officer, police officer, or law enforcement official may not remove a student from school property without a court order, and without prior consent of the parent/guardian unless that person reasonably believes that the student cannot return to, and continue in, the student's place of residence or the care/custody/control of the student's parent/guardian due to threat of, or imminent danger to, the child's life or health.

### **XIII. Visitors to the Schools**

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the main office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office before leaving.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents who wish to observe their child's classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Visitors who wish to observe a classroom are required to arrange such a visit in advance with the building administrator. These visits are at the discretion of the building administrator and must not disrupt the teaching and learning in the classroom.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including but not limited to students, teachers and district personnel, parents, and community members.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district

recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

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

### **B. Penalties**

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

1. Visitors - Their authorization, if any, to remain on school property or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest.

2. Students - They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members - They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law 75 - They shall be subject to immediate removal and to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5 - They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The building principal or his or her designee, the superintendent and other district administrators and staff members shall be responsible for enforcing the conduct required by this code.

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

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

## **XV. Publication, Dissemination and Review**

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

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

1. Providing copies of a summary of the Code of Conduct in an age-appropriate version, written in plain language, to all students at the beginning of each school year.
2. Making copies of the Code of Conduct available to all parents at the beginning of the school year.

3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all teachers and other staff members with a copy of the code of conduct and a copy of any amendments to the code as soon as practical after adoptions.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Posting it on the school district website, [www.tufsd.org](http://www.tufsd.org)

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students. The purpose of this in-service education is to promote a safe and supportive school climate while discouraging, among other things, discrimination, harassment and/or bullying against students by students and/or District staff and to guide District staff on the inclusion of safe and supportive school climate concepts in the curriculum and classroom management.

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

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

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

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

## **Computer Network and Technology Acceptable Use Policy**

*The Public Schools of the Tarrytowns provides technology resources to its students and staff for educational and administrative purposes. The goal in providing these resources is to promote educational excellence in the Public Schools of the Tarrytowns by facilitating resource sharing, innovation, and communication with the support and supervision of parents, teachers, and support staff.*

It is important to note that the use of Technology in the District is not private, and that the school District will monitor the use of any Technology it makes available for use.

With access to computers and people all over the world comes the potential availability of material that may not be considered of educational value in the context of the school setting. The Public Schools of the Tarrytowns firmly believes that the value of information, interaction, and research capabilities available outweighs the possibility that users may obtain material that is not consistent with the educational goals of the District.

Proper behavior, as it relates to the use of computers, is no different from proper behavior in all other aspects of District related activities. All users are expected to use the computer networks and Technology in a responsible, ethical, and polite manner. This acceptable use policy is intended to clarify those expectations as they apply to computer network and Technology usage. No set of guidelines or rules can cover every contingency. Therefore, in addition to complying with the guidelines and requirements set forth in the Regulations accompanying this policy, every user of the District's Technology is expected to exercise good judgment.

Cross Reference: Policy #4526R Computer Network and Technology Acceptable Use  
Regulations  
Dignity for All Students Act - New York State Education Law, Article 2

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