



Peekskill City School District

CODE OF CONDUCT

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5300.00 Why Do We Have a Code of Conduct?

Guiding Principles of the Code of Conduct

1. Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. Fostering strong character is essential to healthy development, responsible behavior, academic success in school today, and success in college, career, and life in the future. It is also essential that students are able to take age-appropriate responsibility for their own behavior. Specifically:
 - a) Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults.
 - b) School staff, in partnership with parents and the community, promotes the social and emotional well-being of all students through school wide programs that proactively and explicitly teach, practice, recognize, and assess positive behaviors. This helps to ensure that students are better able to:
 - recognize and manage emotions;
 - develop caring and concern for others;
 - establish positive relationships;
 - make responsible decisions; and
 - handle challenging situations constructively and ethically.
2. Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.
3. All adults—teachers, principals, administrators, school staff, parents, and the larger community—have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.
4. Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment. Student discipline and support policies and practices are implemented in a manner that is respectful and based on trust among administration, staff, students, and families. Student discipline and support policies and practices are implemented in a manner that holds individuals accountable, but is restorative and solutions oriented, rather than punitive. This will help students:
 - learn from their mistakes;
 - understand why their behavior was unacceptable;
 - acknowledge the harm they caused or the negative impact of their actions;
 - understand what they could have done differently;
 - take responsibility for their actions;
 - learn pro-social strategies and skills to use in the future; and
 - understand that further consequences and/or interventions will be implemented if their unacceptable behavior persists.
5. The District will continuously monitor results in an effort to determine strategies for improvement.

5300.05 Introduction and Philosophy

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. The school district is committed to:

- Ensuring each student is healthy, safe, engaged, supported and challenged;
- Helping students develop self-discipline and social and emotional growth; and
- Guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other district personnel, parents and other visitors is expected, as is it essential to achieving this goal. For this to happen, everyone in the school community must demonstrate and offer respect to others. With the recognition that all children make mistakes and that is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Student engagement is also integral to creating a positive school climate and culture that effectively fosters students' academic achievement and social/emotional growth. Providing students with multiple opportunities to participate in a wide range of pro-social activities and at the same time to develop a bond with caring, supportive adults reduces negative behavior. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of student's achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems.

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible developmentally appropriate, graduated consequences or unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach the students there are consequences to actions and choices. To this end, the Board adopts this code of conduct ("code"), which is based upon education laws, regulations, and Board policies.

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

5300.10 Definitions

For the purposes of this code, the following definitions apply.

“Behavior” is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

“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.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

“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.

“Parent” means parent, guardian or person in parental relations to a student.

“Relationships” are the way in which two or more people regard and behave toward each other.

“Respect” is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

“Responsibility” is an obligation to behave in accordance with social norms and being held accountable for one’s actions.

“Restorative Practices” are a response to student actions that violate the dignity, safety or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

“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 142.

“School function” means any school-sponsored extra-curricular activity.

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

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

1. Commits an act of violence upon a school employee, or attempts to do so
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.

6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, can sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

5300.15 Rights and Responsibilities

Student Rights

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

1. Take part in all district activities on an equal basis regardless of actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practices, gender (including gender identity and expression) or sexual orientation or disability.
2. To be respected as an individual and treated fairly and with dignity by other students and school staff.
3. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. To be provided with clear expectations regarding:
 - a. Course objectives, requirements, and state standards;
 - b. Grading criteria and procedures;
 - c. Assignment requirements and deadlines; and
 - d. School and classroom rules and expectations regarding behavior.

Student Responsibilities

All district students have a responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.

7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. To be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

5300.20 Essential Partners

All members of our learning community- including students, staff, parents and engaged service providers- must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

These responsibilities include but are not limited to the following:

Parent

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. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a demographic 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, respectful, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Tell school officials about any concerns or complaints in a respectful and timely manner.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Be respectful and courteous to staff, other parents/guardians and students while on school premises.

Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, parents will be encouraged to promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach.

To achieve this goal, all parents are expected to:

The Code of Conduct is a guide for supporting positive student behavior at school. It is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Concerns about safety and school climate should be brought to the school principal so staff can work together to maintain a safe and orderly learning and work environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school (e.g. anger, outbursts, withdrawal, self-injury).

Teachers

To achieve this goal, all district teachers 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 (including gender identity and expression) or sex, which will strengthen students' self-worth and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for students and student achievement.
4. Know school policies and rules, and enforce them in a fair, timely and consistent manner.
5. Maintain confidentiality in conformity with federal and state law
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom behavior and consequences plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement
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 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 in the school or classroom setting.

School Counselors

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 (including gender identity and expression) or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans

5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.
12. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
13. Be open to active participation in resolving conflicts through a restorative process.

Other School Personnel

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 (including gender identity and expression) 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 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. Be open to active participation in resolving conflicts through a restorative process

Building and District Administrators

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, (including gender identity and expression) or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

11. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
12. Be open to active participation in resolving conflicts through a restorative process.

Dignity Act

Bullying, cyberbullying, harassment, intimidation, hazing, and bias behaviors are unsafe and do not reflect respect for others as defined by the Code of Conduct and the New York State Dignity for All Students Act (DASA). The Dignity Act states that no student will be subjected to harassment, bullying, or intimidation by employees or students on school property or at any school function; nor will any student be subjected to discrimination based on a person's actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender (including gender identity and expression) or sex, by school employees or students on school property or at any school function.

The Peekskill Public Schools condemn and strictly prohibit all forms of discrimination, such as bullying, cyberbullying, harassment, intimidation, hazing, and bias behaviors. These negative behaviors are prohibited on school grounds and school buses, at school-sponsored activities, programs, events, and as well as outside of grounds in the case of cyberbullying. They can create or reasonably be expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school, impinge on the rights of other students, and may result in disciplinary consequences.

If you or someone you know is a target of one of these behaviors, you can report it using the Harassment, Intimidation, or Bullying Reporting Form available on the District website at <https://www.peakskillcsd.org/Page/3329>, in your school's main office, from the DASA Coordinator, or from a Student Support Team member in your school. You can also tell a staff member who will respond quickly and provide a practical, private, and safe place to report.

If the investigation determines that one of these behaviors has occurred, the DASA Coordinator and/or Student Support Personnel will provide support to the students involved in an effort to ensure that everyone involved feels safe, supported, and understands how to avoid these situations in the future.

BOE Policy 0115 Dignity for all Students Act

BOE Policy 005-E Bullying and Harassment Complaint Form

The Dignity Act Coordinator(s) are as follows:

District Level- Rebecca Aviles Rodriguez and Eudes Budhai 914-737-3300

The Dignity Act Coordinator(s) Responsibilities

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 practices, disability, sexual orientation, gender (including gender identity and expression) or sex.

1. Oversee and coordinate the work of the district-wide and building level bullying prevention education.
2. 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.
3. Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
4. Work with building administrators and clinicians to address personal biases that may prevent equal treatment of all students and staff.

Superintendent of Schools

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 (including gender identity and expression) or sex.
2. Inform the Board about educational trends relating to school discipline.
3. Review with district administrators the policies of the Board of Education and state and federal law relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs.
6. Work with district administrators in encouraging a positive school climate enforcing the code of conduct and ensuring that all cases are resolved promptly and equitably.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Promote a trauma- responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

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. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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.

5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff
9. To promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
10. To be open to active participation in resolving conflicts through a restorative process

5300.25 Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and at school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance, ensuring dress is safe and appropriate, and does not disrupt or interfere with the educational process. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following dress code will be enforced:

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. Clothing and other articles which are distracting or revealing are prohibited. These might include, but are not limited to, clothing that does not cover the midriff, clothing that is ripped, see through or partially transparent.
4. Clothing which promotes inappropriate products or activities prohibited by school policies or that is likely to cause a material and substantial disruption in the school is not allowed. This includes, but is not limited to, t-shirts and other clothing that displays, promotes, or endorses profanity, illegal organizations, and/or gang identity, violent activities, or the use of alcohol, tobacco, or illegal drugs or substances.
5. Clothing including jewelry will be considered inappropriate if it contains obscenity, is libelous, or denigrates others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, or any other protected class.
6. Headgear of any kind including, but not limited to hats, caps and hoods may not be worn in school, with the exception of headgear for religious or medical purposes or hats where permitted by building administrators.
7. Hair style that contains an inappropriate graphic design or language is prohibited.
8. Jewelry that is capable of being used as a weapon is not allowed. This shall include, but is not limited to, rings covering multiple fingers, spiked necklaces or belts, belts with large removable buckles, heavy and/or large neckwear, martial arts gear, chain link wallets, and key rings.

Nothing in this policy shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

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

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

5300.30 Prohibited Student Conduct

Levels of Behavior Concerns, Violations and Responses: Interventions and Consequences

Determining Disciplinary Responses

School officials must consult the Code of Conduct when determining an appropriate disciplinary intervention and/or consequence. In addressing inappropriate behaviors, it is necessary to evaluate all of the circumstances surrounding the behavior in order to determine the least punitive response that would properly address the inappropriate behavior. All individuals involved in the incident (including witnesses) must be interviewed by an administrator or designee. The following facts must be considered prior to determining an appropriate disciplinary intervention and/or consequence:

- the student's age, maturity, and ability to understand consequences;
- the student's family situation, such as involvement in foster care, domestic violence, incarceration, homelessness, poverty, the recent death of a loved one, or immigration status;
- the student's substance abuse or addiction;
- the student's disciplinary record including the nature of any prior misconduct and the number of prior instances of misconduct;
- any previous disciplinary consequences and/or interventions used and the student's response to those interventions;
- the nature, severity, scope, frequency, and duration of the behavior including whether the student's behavior threatened the safety of themselves or others;
- whether the student is or has been a victim of bullying;
- the circumstances and/or context in which the behavior occurred;
- the student's IEP, 504 Accommodation Plan, or designation as a student suspected of having a disability if applicable;
- The student's current FBA (Functional Behavioral Assessment) and BIP (Behavioral Intervention Plan) if applicable;
- Other extraordinary circumstances.

Differentiated responses to disciplinary problems are included within the four levels, under which all students are treated fairly, with respect and dignity, so that:

- All opportunities and interventions are accessible to every student, including students with disabilities.
- Consequences and interventions at all levels are consistently applied across all groups of students with honesty and integrity.
- Documentation is completed and parents are notified within 24 hours of the appropriate behavior.

Where and When the Code of Conduct Applies

The Peekskill City School Districts Code of Conduct applies to incidents that occur as follows:

- in school and on school property during school hours;
- before and after school, while on school property;
- while traveling in vehicles funded by the Peekskill City School District;
- at all school-sponsored events, regardless of location;
- harassment, bullying, cyberbullying and/or discrimination off school property could create a risk or threat of substantial disruption within the school environment.

When misconduct involves communication, gestures, or expressive behavior, the behavior violation will apply to oral, written, and electronic communications including, but not limited to, text, email, and social network content.

Expectations to Consider for Pre-Kindergarten Through Grade 2

Aggressive behavior in young children is rarely an intentional act to harm another. Rather, aggressive acts are often a result of children's unskilled attempts to communicate what they want, what they need, and what they don't like. When a child engages in an aggressive act that threatens or harms other children or makes the learning environment feel unsafe, supportive procedures need to be in place to ensure that both children involved in the incident (the child who has been threatened or hurt and the child who has engaged in the aggressive act) receive immediate attention and care. In addition, students who have experienced traumatic events may have emotional, social development, behavioral, or academic problems that need to be responded to with extreme sensitivity and awareness.

Parents can expect that these actions will take place:

- A staff person will temporarily remove the child who has engaged in the aggressive act immediately from the environment to help the child regain a sense of calm so that the staff member can speak with the child about the incident.
- A staff person will speak to the child who has been threatened or harmed immediately to ensure that the child has an opportunity to talk about the incident and to help the child regain a sense of safety.
- Parents of children involved in the incident will be contacted and school staff will explain what happened prior to the incident, share how adults responded to the incident, discuss the short-term plan for restoring a sense of calm and safety, and discuss the longer-term plan for preventing similar incidents in the future.
- When warranted, the Pupil Support Team (PST) will conduct a Functional Behavioral Assessment (FBA) and create a Behavior Intervention Plan (BIP).
- Parents of either child involved in the incident can request a restorative conference.

All responses to prekindergarten through grade 2 children's inappropriate behavior will be delivered in an age appropriate manner and aligned with the levels below.

Levels of Interventions and Consequences (PK-12)

Level 1 incorporates universal school-wide and classroom practices that promote a healthy and positive school culture and climate. Through observation and immediate responses, teachers and staff aim to prevent minor discipline problems from becoming major disciplinary incidents.

Level 2 involves targeted interventions and assigned consequences when a student's inappropriate behavior warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. This level encompasses infractions which are of a more serious nature or repeated instances of Level 1 misconduct. Level 2 misconduct includes those student behaviors which interfere with orderly educational processes and can be addressed by teachers and other school personnel.

Level 3 involves inappropriate behaviors that seriously impact school and classroom safety and order. Level 3 infractions are very serious in nature and result in a suspension. Students who are experiencing high-risk or frequent behavioral, academic, social and emotional concerns are assigned supervised, individualized interventions. Infractions at this level require the cooperative intervention of the parent, teacher, and school administration.

Level 4 involves behavior that presents an imminent threat of serious harm to the school community, or seriously affects the safety of others in the school and/or the educational process. The response administered for Level 4 violations is a suspension from school. Additionally, if warranted, the District may notify the Peekskill Police Department. To note, the building principal or his or her designee must notify appropriate law enforcement of any act that is criminal in nature and affects the physical, emotional, or moral well-being of a student, staff member, or the overall safety of the school when it occurs on school grounds, at a school function, reported to school personnel from outside school during school hours, or during travel to or from school.

These policies apply to all students, including all students with IEPs and 504 plans. Multiple incidents of misconduct and/or chronic inappropriate behavior will warrant more intensive interventions and more serious consequences.

The interventions and consequences aligned with each behavior level listed below represent a menu of potential responses. Teachers and administrators may choose to utilize one or more responses in order to best address inappropriate behavior. Administrators, teachers, and Pupil Support Teams are not expected to use all interventions listed for each level. When appropriate, administrators, teachers, and Pupil Support Teams may choose to use lower-level interventions. School staff should strive to utilize the least punitive responses they believe will properly address the student's inappropriate behavior. Interventions will be progress-monitored and adjusted based on student response.

Level 1 Behaviors

Classroom Interventions and Responses: These interventions aim to teach appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Teachers must try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff. For repeated Level 1 behaviors, refer to the possible interventions outlined in Rtl practices.

Examples of possible Level 1 classroom interventions and responses:

- Establish positive relationships with student
- Give positive and specific feedback

- Use pre-teaching, re-teaching, and rehearsal of skill procedure
- Increase opportunity to respond during instruction
- Increase teacher proximity
- Provide verbal prompt, redirection, and/or correction
- Hold Student/Teacher small impromptu conference
- Develop relationships with families
- Use a reflection activity
- Apologize
- Use other evidence-based student specific strategies
- Review cumulative folder and academic progress and discuss with student

Level 2 Behaviors

Classroom Interventions and Responses: These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to interrupt instruction. For repeated level 2 behaviors, refer to the possible interventions outlined in the RtI practices.

In addition to the possible Level 1 interventions and responses, examples of possible Level 2 classroom interventions and responses:

- Hold a family conference
- Keep daily progress sheets on behavior
- Create a classroom check-in plan
- Use reflection activities
- Collect progress monitoring data about the behavior and interventions attempted
- Collaborate with RtI/Clinical Team to build on student strengths
- Provide peer mediation

Administrative and RtI/Clinical Interventions and Responses: These interventions can involve support staff or administrative staff when needed and are designed to improve behavior by addressing the seriousness of the behavior while keeping the student in school.

Examples of possible Level 2 administrative and RtI/Clinical interventions and responses:

- Use a reflection activity
- Check and connect with school building staff
- Remove student from classroom (See Student Removal Chart)
- Provide conflict mediation
- Hold an administrative and/or support team conference
- Refer to and coordinate with community-based support when appropriate
- Restrict extracurricular activities

Level 3 Behaviors

Classroom and RtI/Clinical Interventions and Responses: If a student is removed from the learning environment, teacher(s)/staff is expected to provide current assignments and materials to administration, and consider:

(in addition to Level 1 and Level 2 interventions and responses):

- Collect progress monitoring data (check to see if this is in Level 2)
- Refer to DASA coordinator
- Initiate a student-centered discussion about the inappropriate behavior incident (level 2)

- Prepare the class for the student's return

For repeated level 3 behaviors, refer to the possible interventions outlined in the Rtl practices.

Administrative and Rtl/Clinical Interventions and Responses: An administrator must be directly involved throughout this process. These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

Examples of possible Level 3 Administrative and Pupil Support Team interventions and responses:

- Conduct a Functional Behavioral Assessment (FBA) and create a Behavior Intervention Plan (BIP) if warranted
- Hold a re-entry meeting to create, implement, and monitor a transition plan for students returning to the classroom
- Coordinate the delivery of student academic work provided by the teacher(s) when student is removed from class
- Make referral to school-based health or mental health providers
- Refer to and coordinate with community based supports
- Request support from local/county crisis team for explosive/violent incident
- Give In School Suspension
- Give up to 5 day out-of-school suspension
- Give up to 5 day suspension from transportation

Level 4 Behaviors

(in addition to Level 3)

Classroom and Rtl/Clinical Interventions and Responses: If a student is removed from the learning environment, teacher(s)/staff are expected to:

- Provide current assignments and materials to administration
- Assist in creating, implementing, and monitoring a transition plan for a student returning to the classroom
- Prepare the class for the student's return

For repeated level 4 behaviors, refer to the possible interventions outlined in the Rtl practices.

Administrative and Rtl/Clinical Interventions and Responses: An administrator must be directly involved throughout this process. These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

- Coordinate the collection of student academic work provided by the teacher(s)
- Mediate conflict resolution conference
- Notify family of due process rights and informal conference with principal and student
- Refer to school-based health or mental health providers
- Request a consultation with Rtl/Clinical Team for explosive/violent incident
- Conduct a Functional Behavioral Assessment and develop a Behavior Intervention Plan
- Refer to and coordinate with community based organization supports
- Give a 5 day out-of-school suspension
- Request a Superintendent's Hearing for long-term suspension/alternative placement
- Develop, implement and monitor student's transition back to school

- Provide immediate written notification to the Superintendent or designee upon suspension

INAPPROPRIATE BEHAVIORS AND LEVELS OF RESPONSE						
INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Academic Dishonesty						
Cheating, copying another's work, plagiarism	✓	✓✓	✓✓			
Changing/altering school records/documents			✓	✓✓	✓	
Signing a parent's name on a school document without parent consent	✓	✓✓	✓✓			
Alcohol and Other Mood, Mind, or Performance Altering Substances (Drug Free School Zone)						
Under the influence (except when a medical professional has prescribed drug)			✓	✓✓	✓	
Using or possessing drug (except when under the direction of a medical professional)			✓	✓✓	✓	
Distributing or selling				✓		✓
Arson						
Attempting to start a fire			✓	✓✓	✓	
Starting a fire				✓		✓
Destruction of property as a result of arson				✓		✓
Attack on Student/Staff						
Verbal	✓	✓✓	✓✓			
Aggression (physical) student/staff without injury		✓	✓✓			
Aggression (physical) student/staff with injury			✓	✓✓	✓	
Attack on a student/staff with serious bodily injury with or without provocation				✓	✓	
Two or more persons intentionally attacking a student/staff and causing serious bodily injury				✓	✓	

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Bomb or Terrorist Threat						
Making threats or providing false information about the presence of explosive materials or devices on school property				✓		✓
Bullying - Verbal, Physical, and Electronic						
Intentional conduct (including verbal, physical, or written conduct) or electronic communication that is threatening			✓	✓✓	✓	
Persistent and repeated incidents of bullying targeted at same person or group			✓	✓✓	✓	
Very serious incident that is life-threatening, seriously harmful, or personally damaging to the person who is targeted				✓		✓
Cafeteria						
Running , making excessive noise, horseplay, shoving, or loitering	✓	✓✓				
Creating a cafeteria disruption (e.g., throwing food, not cleaning up after self, and leaving lunch room without permission)	✓	✓✓				
Classroom						
Talking out in class or talking out of turn or other behavior that distracts from student learning	✓	✓✓				
Throwing objects; picking on, bothering, or teasing other students	✓	✓✓	✓✓			
Breaking school or class rules such as horseplay, making excessive noise, and being unprepared	✓	✓✓				
Leaving the classroom without permission		✓	✓✓			
Behavior that disrupts and/or continues to disrupt instruction and learning	✓	✓✓	✓✓			
Failure to adhere to terms of behavior or academic contract	✓	✓✓	✓✓			

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Disrespectful Behavior						
Making inappropriate gestures, symbols or comments, or using profane or offensive language		✓✓	✓✓			
Using verbal insults	✓	✓	✓✓			
Giving misleading/false information to school staff	✓	✓✓	✓✓			
Using verbal insults/put-downs or giving misleading/false information to school staff that leads to emotional/physical harm to another person			✓	✓✓		
Dress Code						
Violating school district dress code	✓	✓✓				
Drugs or Controlled Substances - including any Mood, Mind, or Performance Altering Substances (Drug Free School Zone)						
Under the influence (except when under the direction of a medical professional)			✓	✓✓	✓	
Using or possessing (except when under the direction of a medical professional)			✓	✓✓	✓	
Possession of drug paraphernalia		✓	✓✓	✓✓	✓	
Distributing or selling				✓		✓
Electronic Devices						
Inappropriate use of school computers, fax equipment, or other electronic devices, including personal electronic devices	✓	✓✓	✓✓			
Use of electronic devices that directly causes physical or emotional harm to another person		✓	✓✓	✓✓	✓	
Extortion						
Obtaining money or property from another person through coercion, intimidation, or threat of physical harm	✓	✓✓	✓✓	✓✓	✓	

Fire Alarm						
Intentional false activation of fire alarm				✓		✓

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Fighting/ Physical Aggression						
Physical aggression with another student		✓	✓✓			
Fighting which causes the principal to initiate “shelter in place” emergency procedures, prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and poses a serious and grave threat to the safety of large number of students, such as a threat of substantial bodily harm to students				✓	✓	
Fighting with serious bodily injury				✓		✓
Gambling						
Requires the use of money or exchangeable goods	✓	✓✓	✓✓			
Group Activity						
Participation in activities by a group that interferes with or disrupts instruction, safety, and order of the school	✓	✓✓	✓✓			
Using association with a group to intimidate or harass students or staff member			✓	✓✓	✓	
Group activities that result in physical or emotional harm			✓	✓✓	✓	
Hallway						
Running, making excessive noise, horseplay, shoving, or loitering	✓	✓✓	✓✓			
Harassment based on Race, Ethnicity, Gender, Sexual Orientation, Disability or Religion, including Cyber-harassment, against members of the school community						
Harassment			✓	✓✓	✓	

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted				✓		✓
Inciting or Participating in a Disturbance						
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption (such as a riot)				✓	✓	
Using an electronic device to bring others to initiate or engage in a disturbance		✓	✓✓	✓✓	✓	
Leaving School						
Leaving the school without permission		✓	✓✓	✓✓	✓	
Non-Compliance with School Personnel						
Failure to comply with school rules, regulations, policies, or procedures	✓	✓✓	✓✓			
Failure to respond to school staff directives, questions, or requests (non-violent or non-physical)	✓	✓✓	✓✓			
Physical Contact with School Personnel						
Unintentional physical contact with school personnel	✓	✓✓	✓✓			
Unintentional striking of a staff member who is intervening in a fight or other aggressive behavior		✓	✓✓	✓✓		
Intentional physical attack on school personnel				✓		✓
Offensive touching, poking, pushing, shoving, or physical intimidation			✓	✓✓	✓	
Property						
Pattern of disrespecting the property of other students	✓	✓✓	✓✓			
Pattern of disrespecting school property	✓	✓✓				
Defacing, vandalizing or destroying property with graffiti or by other means		✓	✓✓	✓✓	✓	

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Theft/burglary/robbery			✓	✓✓	✓	
Recess						
Identify specific inappropriate behavior on this grid (refer to where they belong on the grid)						
Sexual Assault or Offense						
Forced sexual act without consent				✓		✓
Sexually-Based Infraction						
Sexual harassment (e.g., unwelcome sexual advances; request for sexual favors; other inappropriate verbal, written, or physical conduct of a sexual nature)			✓	✓✓	✓	
Sexual activity or sexual misconduct (e.g., indecent exposure, causing exposure, engaging in sexual activity, etc.)				✓	✓	
Distribution of pornography				✓	✓	
Technology Acceptable Use Policy Violation						
Violation of Peekskill City School District Technology Acceptable Use Policy	✓	✓✓	✓✓	✓✓	✓	
Threat against School Personnel						
Verbal or written threat against school personnel		✓	✓✓	✓✓	✓	
Tobacco or Nicotine Products (BOE Policy 1530)						
Use or possession (including e-Cigarettes, hookah, and vaping devices)		✓	✓✓			
Transportation (Bus or Van)						
Minor disruption on the bus (i.e., eating, drinking, being too loud, standing, pushing, cursing)	✓	✓✓				
Serious or repeated disruption on the bus			✓			

	✓ = First Offense	✓✓ = Repeated Offense
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INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
Trespassing						
Being on school property without permission, including while suspended or expelled		✓	✓✓		✓	
Weapons, Firearms, Explosives						
Possession of a weapon such as a firearm, rifle, shotgun, pistol, revolver, starter pistol, other firearms, or explosives which could be used as a weapon				✓		✓
Possession of a weapon such as a knife, box cutter, utility razor, linoleum cutter, dangerous chemicals, or any object/chemical which is not necessary for school activities and which could be used as a weapon			✓	✓✓	✓	
Threatening harm with a weapon or an object that can be used as a weapon				✓		✓
Use of a weapon				✓		✓
Possession of fireworks, “poppers,” smoke or stink bombs, or any other pyrotechnic device, flammable materials, or volatile chemical			✓	✓✓	✓	
Use of fireworks, “poppers,” smoke or stink bombs, or any other pyrotechnic device, flammable materials, or volatile chemical			✓	✓✓		✓
	✓ = First Offense			✓✓ = Repeated Offense		

5300.35 Reporting Violations

Because the district's goal is for making school a community free of violence, intimidation, bullying, harassment, and discrimination, all students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, 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 should report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

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

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 consequences, which may include permanent suspension and referral for prosecution.

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

5300.40 Disciplinary Penalties, Procedures and Referrals

Restorative Practices

Restorative practice is a strategy that seeks to repair relationships that have been damaged, including those damaged through bullying. It does this by bringing about a sense of remorse and restorative action on the part of the offender and forgiveness by the victim. The primary goal of the Peekskill City School District is to provide excellent educational programs so that all students have the opportunity to achieve academic success and social-emotional well-being. The Board of Education and Superintendent of Schools strive to provide all students with a school environment that values the diverse family cultures, languages, interests, and performance levels of all students. The Peekskill City School District is committed to using restorative practices that promote social-emotional learning, fosters interpersonal and intergroup relationships, supports self-discipline and strives to prevent, reduce, and/or change inappropriate behaviors. The Board of Education recognizes that in utilizing restorative practices and programing which promote social-emotional learning, school personnel must recognize that students are an essential asset to, and a resource in, establishing and sustaining safe and supportive schools. All PCSD staff must be mindful of the need to believe in students, even when they may have engaged in inappropriate behavior. It is of the utmost importance that school personnel, parents, and students alike invest in relationships that develop trust and fairness in an effort to foster an inclusive school culture. A

restorative approach to discipline changes the fundamental questions asked following a behavioral incident.

The main principles of restorative justice are valuing and restoring relationships, repairing the harm done to affected parties, respecting others' opinions, and reintegrating into the school community.

Under this model we are encouraged to ask questions similar to these questions:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Essential to the implementation of restorative justice practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused
- Understand what could have been done differently in the same situation
- Take responsibility for their actions
- Make reparations or restitutions to repair the harm done
- Be given the opportunity to learn prosocial strategies/skills to use in the future; and
- Understand the progression of more increasingly punitive consequences may be imposed if the behavior reoccurs

While there may be more traditional punishments in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs staff and administration to utilize restorative justice practices where appropriate in addressing student disciplinary issues.

In the application of restorative principles, the process is always voluntary for the students. Any parent (or student over the age of 18) can request to go the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

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

List of Disciplinary Responses

Students who do not follow the Peekskill Code of Conduct by engaging in inappropriate behavior may receive the following disciplinary responses, either alone or in combination. The District and school personnel identified after each response are authorized to use the following consequences, consistent with the student's right to due process:

1. Oral warning - any member of the school or District staff
2. Written warning - bus staff, hall and lunch staff, coaches, teachers, pupil support staff, school administrators, principal, or Superintendent of Schools or his/her designee

3. Written notification - to parent, coaches, teachers, pupil support staff, school administrators, principal, or Superintendent of Schools or his/her designee
4. Detention - teachers, school administrators, principal, or Superintendent of Schools or his/her designee
5. In School Suspension - school administrators or Principal or Superintendent of Schools or his/her designee
6. Suspension from transportation - school administrators, principal, or Superintendent of Schools or his/her designee
7. Suspension from athletic participation - coaches, school administrators, principal, or Superintendent of Schools or his/her designee
8. Suspension from social or extracurricular activities - teachers, school administrators, principal, or Superintendent of Schools or his/her designee
9. Suspension of other privileges - school administrators, principal, or Superintendent of Schools or his/her designee
10. Removal from classroom - teachers, school administrators, or principal
11. Principal's Agreement - school administrators, principal
12. Short-term suspension from school (five days or less) - principal, Superintendent of Schools, or Board
13. Long-term suspension from school (more than five days) - Superintendent of Schools or Board
14. Permanent suspension from school - Superintendent of Schools or Board
15. Expulsion - Superintendent of Schools or Board

Procedures

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

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

Detention

Teachers, principals, and the Superintendent may use after school detention as a response to inappropriate student behavior in situations where removal from the classroom or suspension would not be warranted. Detention will be given only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misbehavior to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the 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 Principal or the Principal's designee to discuss the conduct and the consequences involved.

Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges

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

In-School Suspension

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

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

Student Removal from the Classroom

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. Examples of such disruptive behavior include, but are not limited to:

- repeated and/or severe instances of speaking disrespectfully to the teacher or others
- making inappropriate gestures
- repeatedly leaving his/her seat without permission
- having physical contact with another
- throwing items.

In many instances the teacher is able to respond to a student's behavior while maintaining order in the classroom by using effective classroom management techniques and Restorative Practices such as:

- affective statements,
- affective questions
- small impromptu conferences,
- use of redirection prompts and reminders, and/or
- any other techniques the teacher considers effective to support the student's re-engagement.

Teachers should do their best to attempt to redirect inappropriate behavior through the use of interventions other than removal. However, if the student's behavior jeopardizes safety in the classroom or if, after other interventions have reasonably been exhausted, the student's behavior is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, the Code of Conduct and New York State law allow for student removal from the classroom.

If a student is removed because he or she is thought to be under the influence of alcohol or other mood, mind, or performance altering substances, the student must be escorted by a staff member to the nurse and school administration must be notified immediately. If it is determined that the student is under the influence, the Code of Conduct will be applied and the student will be referred to appropriate counseling.

Teacher Disciplinary Removal of Disruptive Students (Level II Infraction)

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 and restorative practices. These techniques may include practices that involve the teacher directing a student to take a "time-out", giving the student an opportunity to regain his or her composure and self-control, or asking a Pupil Support Team member or administrator to see the student. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may request to remove a substantially disruptive student from class. The removal from class applies to the class of the removing teacher only. On the elementary level, this applies to the specific subject area only.

STEP 1 If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher request the student be removed from class.

If a student poses a danger or ongoing threat of disruption, the teacher may remove the student immediately. The teacher must within 24 hours, 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.

STEP 2 The teacher must complete a District/school established disciplinary removal form. The teacher must meet with the principal or his or her designee as soon as possible to explain the circumstances of the removal and to present the removal form, but no later than the end of the school day.

STEP 3 Within 24-hours after the student's removal, the teacher and/or administrator must notify the student's parent 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 and teacher to discuss the reason(s) for the removal.

The principal or designee will require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the teacher or the principal must explain why the student was removed and give the student and the student's parent(s) a chance to present the student's explanation 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 designee may reverse the removal of the student or take further action if he or she 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.

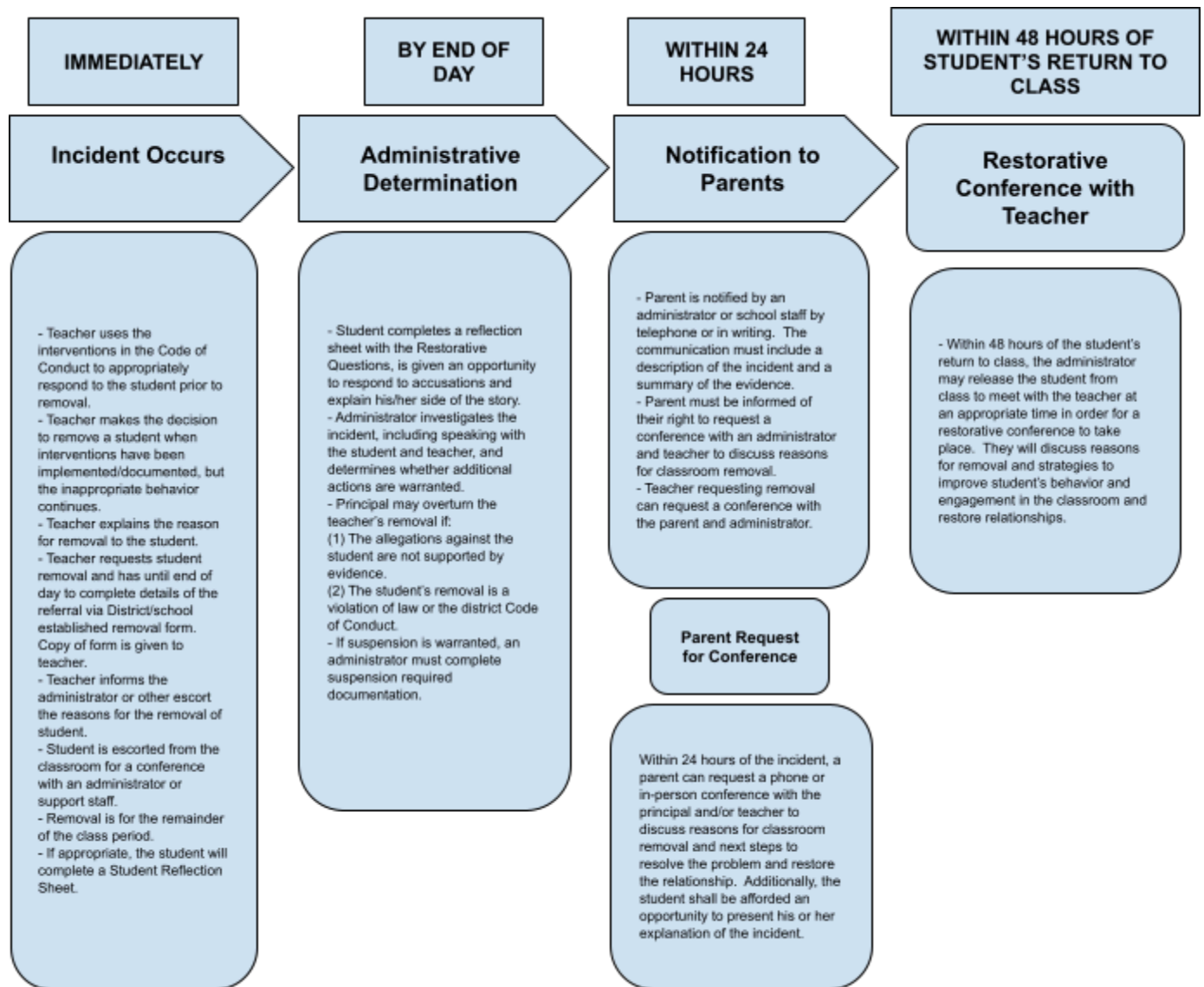
The principal or designee may overturn a removal at any point between receiving the student removal form issued by the teacher and the close of business on the day following the conference. No student removed from the class will be permitted to return to class until the principal makes a final determination, or the period of removal expires, whichever comes first.

Any disruptive students removed from the classroom will be given equivalent instructional material by the removing teacher until he or she is permitted to return to the classroom.

Each teacher must keep a file containing a copy of each disciplinary removal form.

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.

What are the Student Removal from Classroom Procedures and Timeline?



Suspension from School

Suspension from school is a severe assigned consequence which may be imposed only upon students who are severely insubordinate, disorderly, violent, or severely disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. While the Board retains its authority to suspend students, the Superintendent and building principals have primary responsibility for the suspension of students. All suspensions from school shall be imposed in accordance with the requirements of applicable laws and this Code.

The principal must conduct an investigation prior to any student being suspended or as soon as possible if the student presents a continuing danger to persons or property or an ongoing threat of disruption to the academic process. As part of the investigation, the principal must meet with the student(s) and all parties involved, gather the relevant facts, and create a written record of the incident. Additionally, the school must provide the student and his or her parent(s) with notice of the proposed suspension, a description of the misconduct or the incident prompting the proposed suspension, and their right to request an informal conference with the building principal. Such notice and the opportunity for a conference will also take place prior to the suspension 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.

Short-Term (5 school days or less) Suspension from School

Prekindergarten through Grade 2

The Peekskill City School District, along with the New York State Education Department (NYSED), is committed to reducing and severely limiting suspension practices with the ultimate goal of completely eliminating these practices in all early childhood settings.

Prekindergarten through 12

When the principal proposes to suspend a student for inappropriate behavior for five days or less pursuant to Education Law §3214 and in accordance with this Code of Conduct, he or she must immediately meet with the student to inform him or her of the proposed suspension and discuss the alleged incident. If the student denies the misconduct, the principal must provide an explanation of the basis for the proposed suspension.

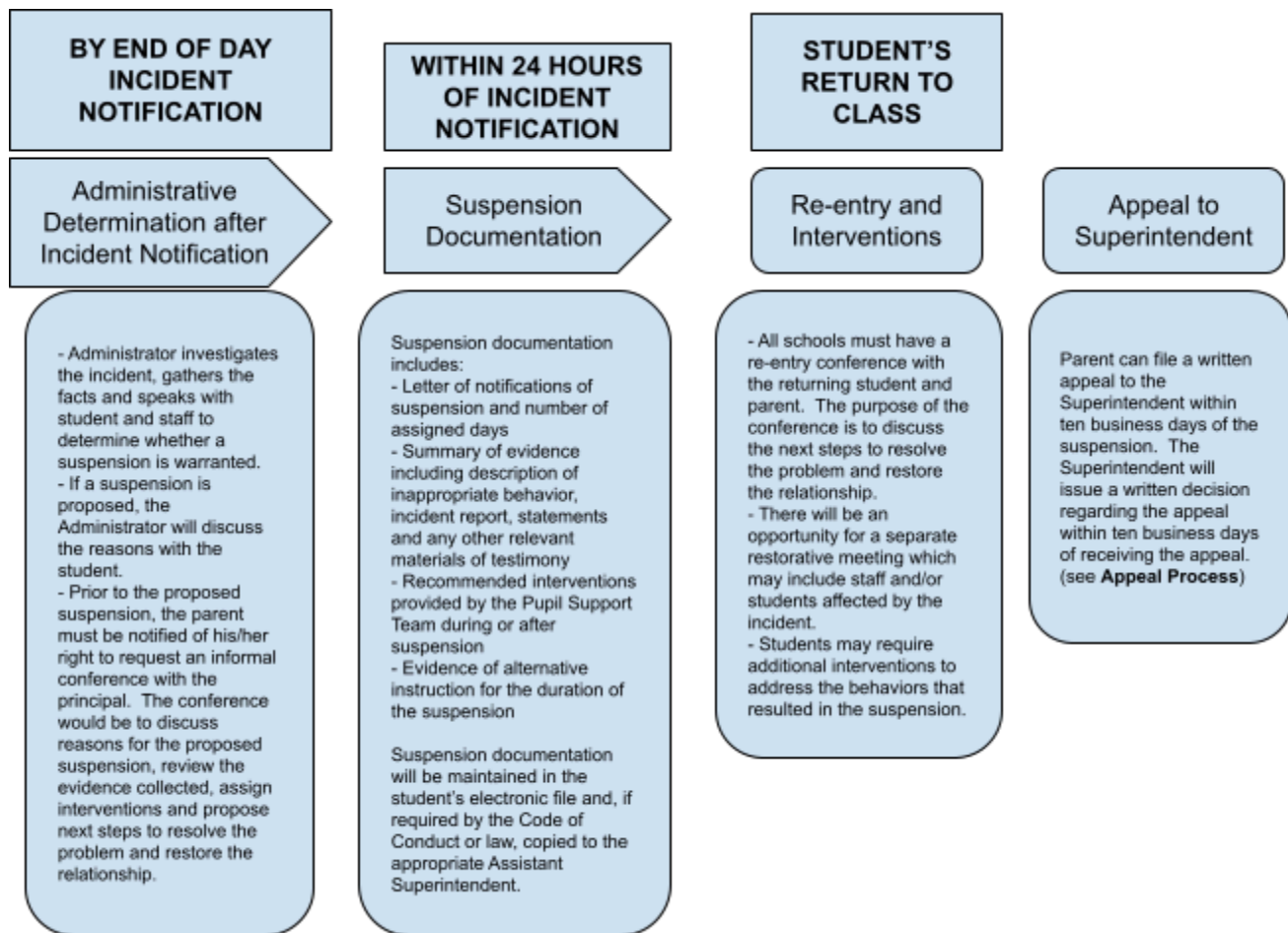
When a suspension is proposed, the principal must notify the student's parent by telephone of the proposed suspension. The principal must also provide notice to the student's parents in writing. The written notice must be provided by personal delivery, express mail delivery, or some other means that 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 parent. The notice must provide a description of the student's misconduct and the incident for which suspension is proposed and inform the parents of their right to request an informal conference to be held with a school administrator. Both the notice and informal conference will be in the primary language used by the parent(s). At the informal conference, the parent(s) will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish and in compliance with New York State Education Law.

The notice and opportunity for an informal conference will take place prior to the student's suspension, unless the student's presence in the school poses a continuing danger to persons/ property or an ongoing threat of disruption in school. If the student's presence does pose such danger or threat of disruption, the student may be immediately suspended and the notice and informal conference will occur as soon as reasonably possible. After the conference the principal will promptly advise the parents of his or her decision in writing.

Appeal Process

An appeal of the decision of the principal may be taken to the Superintendent of Schools. All appeals to the Superintendent of Schools must be in writing and submitted within ten business days, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. The Superintendent of Schools will issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parent(s) are not satisfied with the Superintendent's decision, they may appeal to the Board of Education. All appeals to the Board must be in writing and submitted to the secretary to the Board within thirty business days of the date of the Superintendent's decision, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. Final decisions of the Board may be appealed to the New York State Commissioner of Education within thirty days of the decision.

What are the Short-Term One to Five Days Out-of-School Suspension Procedures and Timeline?



Long-Term (More than Five School Days) Suspension from School

The Peekskill City School District is committed to limiting the use and length of long-term suspensions. However, if a student's inappropriate behavior is identified as a Level 4 violation, a long-term suspension may be warranted.

No student may be suspended for a period in excess of five school days unless the student and the student's parents have had an opportunity for a fair hearing. Therefore, if a principal determines that a suspension of more than five days may be appropriate, he or she must submit a request to the Superintendent that a hearing be held in compliance with Education Law §3214. If the Superintendent approves the request, the District will provide the student and his or her parents with reasonable notice of the hearing and a Superintendent's Hearing will be held. Such reasonable notice will include a description of the incident for which suspension is proposed and the date when the hearing will take place. At the hearing the student has the right to be represented by counsel, question witnesses against him or her, and present witnesses and other evidence on his or her behalf.

The Superintendent may personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. A record of the hearing will be maintained, but no stenographic transcript will be required. A digital or tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate

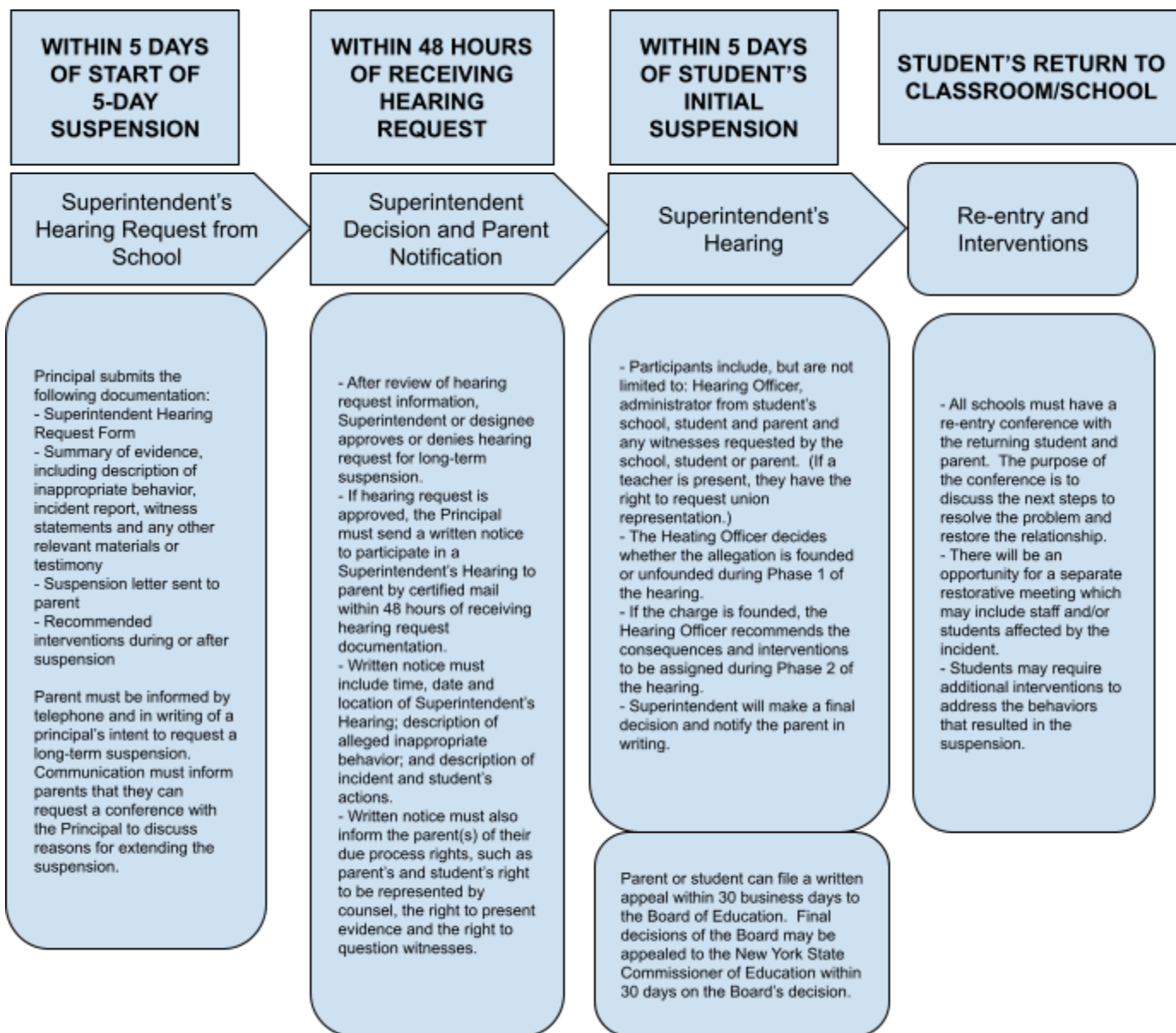
disciplinary responses and/or interventions to the Superintendent. The report of the hearing officer is advisory only, and the Superintendent may accept or reject all or any part of the recommendation. The Superintendent will provide the student and his or her parent(s) with a final written decision.

Appeal Process

An appeal of the decision of the Superintendent may be taken to the Board of Education. All appeals to the Board must be in writing and submitted to the secretary to the Board within 30 business days of the date of the Superintendent's decision, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. The Board will make its decision based solely upon the record before it and may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the New York State Commissioner of Education within 30 days of the Board's decision.

What are the Long-Term Suspension and Hearing Procedures and Timeline?

If the student's inappropriate behavior is identified as a Level 4 violation, a long-term suspension of more than five days may be needed. All procedures required for assignment of a short-term suspension must be followed before a long-term suspension can be recommended. The following procedures and timeline must be followed:



Minimum Length of Suspension from School

The minimum length of suspension is two days for any student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority in the classroom. This is defined as engaging on four or more separate occasions during a semester in conduct which results in the removal of the student from the classroom. However, the principal or Superintendent may reduce the minimum suspension period on a case-by-case basis to be consistent with state and federal law.

The minimum suspension period is five days for any student who: (1) commits an act of violence upon a teacher administrator or other school employee; (2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property; (3) possesses, while on school district property, a gun, knife, explosive, incendiary bomb, or other dangerous instrument capable of causing physical injury or death; (4) displays, while on school district property, what appears to be a gun, knife, explosive, incendiary bomb, or other dangerous instrument capable of causing death or physical injury; (5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death; (6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee, or any person lawfully upon school district property; or (7) knowingly and intentionally damages or destroys

school district property. The principal or Superintendent may reduce the minimum suspension period on a case-by-case basis to be consistent with state and federal law.

The Federal Gun-Free Schools Act requires that any student, other than a student with a disability, who is determined to have brought a firearm to school be suspended for a period of not less than one calendar year, but the superintendent may modify this suspension requirement on a case-by-case basis, subject to review by the Board of Education and the Commissioner of Education. A student with a disability may be suspended in accordance with the requirements of state and federal law.

For purposes of this provision, the term "firearm" is defined in 18 U.S.C. § 921. It includes any weapon that can expel a projectile by the action of an explosive and/or any destructive device, which includes explosives, incendiary devices, and poison gas. The superintendent must also refer a student under the age of 16 who has been determined to have brought a weapon or firearm to school to the Westchester County Law Department for a juvenile delinquency proceeding under article three of the Family Court Act, unless the student is 14 or 15 years of age and qualifies for juvenile offender status under section 1.20(42) of the Criminal Procedure Law. The superintendent must refer any student 16 years of age or older or a student 14 or 15 years of age who qualifies for juvenile offender status and who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

Permanent Suspension for Extraordinary Circumstances

A permanent suspension is the removal of a student from school reserved for extraordinary circumstances in which a student's conduct poses a life-threatening danger to the safety and well-being of others who are lawfully on school property or attending a school function. This disciplinary response will begin on the date of the incident and last through the remainder of the school year. Students who are recommended for permanent suspension are entitled to a Superintendent's Hearing. Following the hearing the Superintendent will make a final decision as to the appropriateness of a permanent suspension. Students who are on permanent suspension shall receive alternative instruction as required by applicable law.

Expulsion

An expulsion is the permanent discharge from the Peekskill City School District of a student who has completed the school year in which he or she has turned 17 years-of-age. This disciplinary response will be reserved for extraordinary circumstances in which a student's conduct poses a life-threatening danger to the safety and well-being of others who are lawfully on school property or attending a school function. Students who are recommended for expulsion are entitled to a Superintendent's Hearing. Following the hearing, the Superintendent will make a final decision as to the appropriateness of expulsion.

Referrals

Counseling

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

PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing or continual course of conduct which makes the student unmanageable 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

Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the Westchester County Lawn Department, Family Court Bureau, 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 or possess a weapon in school; or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedural Law §1.20 (42)

5300.45 Alternative Instruction and Re-Entry

The Peekskill City School District is committed to supporting students' continued instruction during any period of removal or suspension. When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the district will take immediate steps to provide alternative means of instruction for the student. The Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

The alternative instruction will be substantially equivalent to the instruction received by the student prior to the suspension or removal, afford the student continuity in learning, and provide the student with an opportunity to complete his or her required coursework. It is the responsibility of the student to complete any alternative instruction assignments and/or attend the alternative instruction program and perform to the best of his or her ability.

School staff will consult with the individual(s) providing the alternative instruction to articulate the student's continued academic program. A file will be kept of the student's educational activities while on suspension so that the work can count toward credit accumulation. This file will include the student's completed assignments and test scores while suspended. Additionally, the District will provide the student and parent with the name and contact information of the staff member overseeing the alternative instruction in the event that there are any questions or concerns.

In an effort to ensure successful reentry to the school, the school will schedule a conference to be held with the parent and the student upon the return of a student from a suspension. The school will provide reasonable notice of the conference to the parent and the student in order to encourage participation.

At the conference, the participants will:

1. Engage in a restorative process where the suspended student who caused the harm (and if appropriate with the student(s) who have been harmed) has an opportunity to discuss the situation that led to the suspension, share feelings, and achieve closure in order to prevent further suspensions;

2. Discuss the student's academic progress; and
3. Create a reentry plan, when appropriate, that specifies what supports the school will provide to help the student successfully re-enter and remain in school.

Additionally, the student will be provided opportunities, within the same timeframe as provided for excused absences, to make-up (remove to) and turn in class assignments and take any tests he or she may have missed as a result of being removed or suspended.

5300. 50 Discipline of Students with Disabilities

All students of the Peekskill City School District are expected to meet District standards outlined in this Code of Conduct. When a student with a disability violates the Code of Conduct, it is recognized that it may be necessary to remove, suspend or otherwise discipline the student to address disruptive, violent or other inappropriate behavior. However, students with disabilities or those suspected of having a disability under the IDEA and Article 89 of the New York's Education law are entitled to procedural safeguards when disciplinary action is considered. The Board expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative justice practices will be considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their IEP.

The procedural safeguards relating to the discipline of students with disabilities or those students suspected of having a disability require school personnel to consider all unique circumstances on a case-by-case basis when making a determination. Some factors which may be considered are: a student's disciplinary history, ability to understand consequences, expression of remorse, supports provided to the student prior to the violation, and/or the unique circumstances of the infraction. Whenever a student with a disability violates this Code of Conduct and disciplinary consequences are being considered, the principal will review the student's Individualized Education Plan (IEP) in consultation with member(s) of the Pupil Support Team (PST) and the IEP Teacher. When the student's conduct is related to his or her disability, he/she will be treated in accordance with the IEP. When a student's conduct is found not to be related to his or her disability, the student will be subject to the same standards of discipline as those who do not have a disability. For those students suspected of having a disability, the principal will also meet with the PST to determine the appropriate disciplinary response. School Administrators or designee will determine if there is a pattern of suspensions and monitor the total days of suspensions for all students with disabilities and those suspected of having a disability.

If a student repeatedly engages in inappropriate behaviors, they will be referred to the Instructional Support Team (IST). A Functional Behavioral Assessment (FBA) will be conducted and/or a Behavior Intervention Plan (BIP) will be developed and implemented whenever school-wide and classroom interventions have not been effective or when required by New York State Education Department (NYSED) regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations the following definitions will apply:

“Behavioral intervention plan (BIP)” means a plan that is based on the results of a functional assessment and that, at a minimum, includes a description of the problem behavior, global and

specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

“Controlled substance” means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812(c)).

“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 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 to student’s behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and proximity of the suspensions or removals to one another.

“Illegal drug” means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.

“Interim alternative educational setting (IAES)” means a temporary educational placement, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student’s individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

“Manifestation review” means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

“Manifestation team” means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education

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

A. Authorized Suspensions or Removals of Students with Disabilities

- a. For purposes of this section of the Code of Conduct, the following definitions apply:
 - An **"Interim Alternative Educational Setting (IAES)"** means a temporary educational placement (located in or outside the District) for a period of up to 45 days, other than the student's current placement at the time the behavior led to the IAES placement. An IAES allows the student an opportunity to progress in the general curriculum in another setting. The student continues to receive those services and modifications described in the student's current IEP that make it possible for the student to meet the IEP goals. The student will also receive services and modifications

- that address the behavior which led to the IAES placement and are designed to prevent the behavior from happening again.
- A "**suspension**" is when a student is not allowed to temporarily attend school or a specific class and/or participate in any school-related activity due to a violation of the Code of Conduct (Education Law §3214).
 - A "**removal**" is when a student is temporarily moved from his or her current educational placement to an IAES due to a violation of the Code of Conduct
- b. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
- The Board, the District 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.
 - The Superintendent of Schools may direct 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 does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - The Superintendent of Schools may direct additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - The Superintendent may direct the placement of a student with a disability into 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 receive, but not for more than 45 days, if the student does any of the following:
 1. Carries or possesses a weapon in school or at a school function; or
 2. Knowingly possesses, uses, sells, or solicits the sale of mood, mind or performance enhancing substances while at school or a school function; or
 3. Inflicts serious bodily injury on another person while at school or at a school function.

B. Disciplinary Change of Placement Rule

- a. A disciplinary change in placement is a suspension or removal of a student with a disability from the student's current educational placement for a period in a given school year.
- for more than ten consecutive school days; or
 - for a period of ten consecutive school days or less, if the student is subjected to a series of suspensions or removals that constitutes a pattern because they add up more than ten school days in a school year or because the length of each suspension or removal is ten days.
- b. School personnel may not suspend or remove a student with disabilities if the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement based on a pattern of suspensions or removals, if the CSE has determined that the behavior was not a manifestation of the student's disability or the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances.

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

a. The District's Committee on Special Education will:

- Conduct Functional Behavioral Assessments to determine why a student engages in a particular behavior. 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, such as an IAES for misconduct involving weapons, illegal drugs, or controlled substances.

Subsequently, if a student with a disability has a BIP and has been suspended or removed from his or her current educational placement for more than ten school days in a school year and is subject to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE will review the current BIP and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district will convene a meeting to modify the plan and its implementation to the extent the committee determines necessary.

- A manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action will be conducted when: a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, or controlled substances; maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- b. The parent(s) of a student facing disciplinary action, who has not been determined eligible for services under IDEA and Article 89 at the time of misconduct, will have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations when the school district is found to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is found to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

Basis of Knowledge:

The school district will be found to have had knowledge that such a student had a disability prior to the time the behavior occurred if:

- the parent expressed concern in writing to supervisory or administrative personnel of the school district or to a teacher of the student that the student is in need of special education. Expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
- the parent requested an evaluation of the student pursuant to section 200.4 or 200.16 of the Commissioner's Regulations; or
- a teacher of the student or other personnel of the school district expressed specific concerns about a pattern of behavior demonstrated by the student to the office of the assistant superintendent for special education or other supervisory personnel of the school district.

Exceptions:

A student is not a student presumed to have a disability for discipline purposes if, after the initial request for evaluation:

- the parent/guardian of the student has not allowed assessment of the student;
- the parent/guardian of the student has refused special education services;
- it was determined through the CSE process that the student is not a student with a disability; or it was determined through the CSE process that an evaluation was not

necessary and the District provided notice to the parent/guardian of such determination, in the manner required by applicable law and regulations.

The superintendent, building principal, or other school official imposing a suspension or removal will be responsible for determining whether the student is a student presumed to have a disability. If a request for an individual evaluation is made while such non-disabled student is subject to a disciplinary removal, an expedited evaluation will 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 a student presumed to have a disability for discipline purposes will remain in the educational placement determined by the District, which can include suspensions.

- c. The District will provide parents with notice of disciplinary removal no later than the date on which the decision is made to change the placement of a student with a disability to an IASE 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 will accompany the notice of disciplinary removal.
- d. The parent(s) of a student with disabilities subject to a suspension of five consecutive school days or less will be provided with the same opportunity for an informal conference available to parents of non-disabled students under Educational Law.
- e. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be separated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this Code of Conduct.
- f. The removal of a student with disabilities other than a suspension or placement in an IAES will be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive school days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- g. During any period of suspension or removal, including placement in an IAES, students with disabilities will be provided services as required by the Commissioner's Regulations incorporated into this Code.

D. Expedited Due Process Hearings

- a. An expedited due process hearing will be conducted in the manner specified by the Commissioner's Regulations incorporated into this Code if:
 - The District requests such a hearing to obtain an order from 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.
 - The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability; nor related to any decision regarding 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, on the grounds of dangerousness or with regard to a

determination that the behavior is not a manifestation of the student's disability, the student will remain in the IAES pending the decision of the impartial hearing officer or expiration of IAES placement (whichever occurs first), unless the parent and the District agree otherwise.

2. If school personnel propose to change the student's placement after the expiration of an IAES placement and during the pendency of any proceeding to challenge the proposed change in placement, the student will remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
 - An expedited due process hearing must be completed within 15 business days of receipt of the request for a hearing. The impartial hearing officer may grant specific extensions of such a time period. He or she must mail a written decision to the District and the parent(s) within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

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

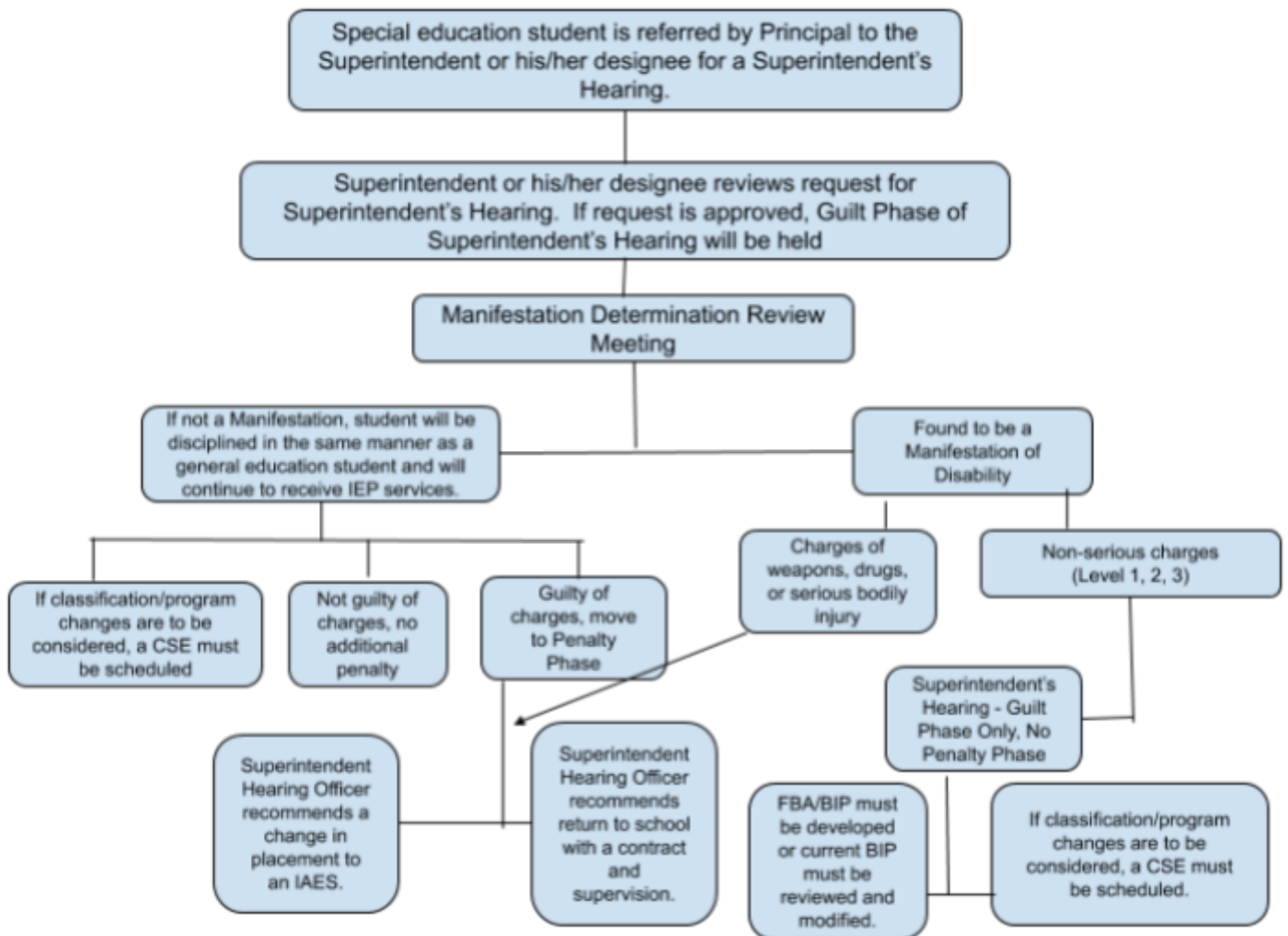
- a. The District may report a crime committed by a child with a disability to appropriate authorities. Such action will not constitute a change of the student's placement.
- b. The Superintendent will ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

Procedures for a Superintendent's Hearing for a Student with a Disability

201.9(c) Procedures for suspensions of more than five school days (Superintendent's Hearings): Superintendent's Hearings on disciplinary charges against a student with a disability for discipline purposes will be separated into a guilt phase and a penalty phase.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmissions permitted by the Family Education Rights and Privacy Act (FERPA).



5300. 55 Position on 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 prohibited.

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:

- Protect oneself, another student, teacher, or any other person from physical injury.
- Protect the property of the school or of others.
- 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 regarding the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's Regulations.

5300. 60 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 principals, the school nurse and District security officials to conduct searches of students and their belongings if there is reasonable suspicion 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, as long as the school official has a legitimate reason for this limited search.

An authorized school official may search a student or a student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if: they have previously supplied information that was accurate and verified; they make an admission against their own interest; they provide the same information that is received independently from other sources; or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or a student's belongings, the authorized school official should attempt to get the student to admit that he or she has physical evidence proving a violation of 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 possible, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

Personal Searches

A personal 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 personal search of a student, the school official will contact the Superintendent of Schools who in consultation with the school attorney will advise as to whether the situation warrants contacting the local police authorities.

Student Lockers, Desks and other School Storage Place Searches

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

Automobiles Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student's consent and without a search warrant.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in the violation of the code of conduct and/or policy 5696, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

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. Name of any informants.
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and this or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of each search.
9. Results of the search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parent notification.
12. The 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 item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

Metal Detector Wands in School Buildings

It is the policy of the Peekskill Board of Education to promote the health and safety of students within the school setting and to provide a school environment conducive to education. In order to implement that policy objective, the Peekskill Board of Education approves the randomized use of metal detectors in public school facilities as a measure of deterrence of the possession of weapons and other dangerous objects in school facilities. The Superintendent of Schools or his/her designee has proposed administrative guidelines governing the use of the metal detectors in school facilities, which the Board has reviewed. This policy and the subject guidelines have been adopted in an effort to forestall and prevent future incidents of possession by students of weapons and other dangerous objects in school facilities. The policy and guidelines have been structured for the purpose of enhancing the security of school facilities, while protecting the constitutional rights of our students.

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 as student or to conduct a formal investigation involving student only if they have:

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

Before police officials are permitted to question or search any student, the 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, the questioning or search shall not be conducted, unless the student is 16 years of age or older. 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.

Child Protective Services

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 provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access storage records relevant to the investigation, as well as interview with any child named as a victim in a report, or a sibling or that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to the Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures of visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

5300.65 Visitors to Schools

To promote effective communication between the citizens of the community and the school system, the Board of Education encourages parents and other citizens to visit their schools periodically during the course of the school year.

The Board recognizes that many visits that occur are regularly scheduled events, e.g., parent-teacher organization meetings, public gatherings, registering students, scheduled times. When such visits occur, they will be made on the basis of a defined need and only with the approval of their child's principal and teacher. The Board views these visits as constructive; however, no such visit will be permitted to interfere with the educational process.

The following procedures have been established to ensure that visits to the schools are encouraged, enhance the educational programs in the schools, and are not disruptive to an orderly environment that is conducive to learning. Additionally, these procedures will help maintain the safety of all persons in school buildings and on school grounds.

1. Anyone who is not a regular staff member or student of the particular school will be considered a visitor. Members of the Board in fulfilling their responsibilities as Trustees, as well as the Superintendent and Central Office Administrators, have the right to visit any school within the District without prior notification.
2. All visitors to the school upon entering a school building must report to the security desk or any other designated sign-in area of the building visited. They will be required to present photo identification, sign the visitors register, and will be directed to the main office. Visitors will not be permitted to leave the main office until the principal or his or her designee has been informed of their arrival.
3. Visitors attending functions that are open to the public and/or after school hours, such as parent-teacher organization meetings, sporting events, events or activities of outside organizations, or public gatherings, whether or not school-related, are not required to sign in with the school.
4. Parents or citizens wishing to observe a classroom or school activity while in session are required to arrange such visits in advance with the principal or his or her designee.
5. Teachers are expected to teach and will not be able to take class time to discuss individual matters with visitors.
6. Visits by state or local officials must be reported to the Superintendent of Schools prior to their visit. If an official shows up unexpectedly at a school, both offices must be notified immediately.
7. To maintain a nonpartisan stance during election campaign periods for local, county, state, and federal offices occurring September through November, schools must deny requests from politicians (active candidates) to visit or speak to school groups.
8. All visitors are expected to meet the expectations for public comment on school property contained in this code of conduct.

Ref: Education Law § § 1708; 2801

5300.70 Public Conduct on School Property

The Board of Education recognizes that the primary purpose of the District is to provide a safe, respectful, and orderly atmosphere conducive to learning and education. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having this effect will be in violation of Board policy. As required by Education Law §2801, the Code of Conduct is designed to implement this policy.

The Board also recognizes its responsibility to protect school property and declares its intent to take appropriate legal action to prevent damage or destruction of school property. The Board will also seek restitution from and prosecution of any person who willfully damages school property.

The restrictions on public conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of these restrictions is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

The following regulations have been established to ensure the District is able to provide a safe, respectful, and orderly atmosphere conducive to learning and education. For purposes of these regulations, "public" will mean all persons on school property or attending a school function including students, parents, teachers, District personnel, visitors, licensees, invitees, and all other persons, whether or not their presence is authorized. Further, these rules apply to all school buildings, grounds, premises, vehicles, or other property under the control of the District as well as with respect to any school program, event, activity, function, or meeting held on or off school property.

All persons on school property or attending a school function will 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 this purpose.

A. Prohibited Conduct

No person, either alone or with others, will:

1. Intentionally injure any person, or attempt or threaten to do so.
2. Intentionally damage, destroy, or threaten to do so, school district property or the personal property of a teacher, student, administrator, other District employee, or any person lawfully on school property by graffiti or arson.
3. Intimidate, bully, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, physical appearance, national origin, ethnic group, religion, religious practice, disability, age, sexual orientation, gender (including gender identity and expression), genetic characteristics, or any other protected class.
4. Disrupt or prevent the orderly conduct of classes, school programs, meetings, or other school activities.
5. 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.
6. Enter any building or facility prior to its normal opening or remain in any building or facility after it is normally closed without authorization.
7. Obstruct the free movement of any person or vehicle in any place in which these rules apply.

8. Violate any traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, use, consume, sell, distribute, offer, manufacture, or exchange alcoholic beverages, drug paraphernalia, controlled or illegal substances, any synthetic versions (whether or not specifically illegal or labeled for human consumption); or be under the influence of any of the above on school property or at a school function.
10. Possess or use any weapon in or on school property or at a school function except in the case of law enforcement officers or authorized District personnel, whether or not the individuals are licensed to possess the same.
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 at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

B. Consequences

Persons who violate this code will be subject to the following consequences:

1. Visitors, including all individuals except those specifically referenced below, will have any authorization to remain on school grounds or at a school function withdrawn and the individual will be directed to leave the premises. If the individual refuses to leave, he/she will be ejected, may be charged with trespassing, and/or subject to further police action.
2. All students will be subject to appropriate disciplinary action as the facts may warrant. Any disciplinary action taken will be in accordance with due process and the Code of Conduct.
3. Tenured/non-tenured faculty will be subject to immediate ejection and 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 will be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 will be subject to immediate ejection and to warning, reprimand, suspension, or dismissal as the facts may warrant, in accordance with any legal rights they may have.

C. Enforcement

1. In addition to the Superintendent of Schools, the building principal or his or her designee will be responsible for the enforcement of these rules.
2. It is the duty of all staff members to report any violations of these regulations to the principal or his or her designee.
3. In the case of a violation of these rules which, in the opinion of the principal or his or her designee, does not pose any immediate threat of injury to persons or property, the principal or his or her designee will tell the individual(s) that the conduct is prohibited and attempt to persuade the individual(s) to stop. The principal or his or her designee will also warn the individual(s) of the consequences for failing to stop which may include removal from school property or school function.
4. In any case where the individual(s) refuses to stop engaging in the prohibited conduct, or if the conduct poses an immediate threat of injury to persons or property, the principal or his or her designee will have the individual removed from school property or the school

function immediately. If necessary, local law enforcement authorities will be contacted to assist in removing the individual(s).

5. As appropriate, the District will initiate disciplinary action, as described in the "penalties" section above, against any student or staff member that engages in prohibited conduct.

These regulations and the penalties set forth herein are not considered to be exhaustive or to preclude in any way the prosecution and conviction of any person for a violation of any federal, state, or local laws, regulations or ordinances and the imposition of a fine or penalty provided for therein. As such, the District reserves all its rights to pursue civil or criminal legal action, as it sees fit, against any persons who violate these rules.

5300.75 Dissemination and Review

Dissemination of the Code of Conduct

The Board and Superintendent will take reasonable steps to ensure that the community is aware of the Code of Conduct enabling all community members to support the academic, social and emotional growth of all students. The following will be done:

1. Post the complete Code of Conduct on the district website
2. Provide copies of a summary of the Code of Conduct to all students, written in age appropriate language, at a general assembly held at the beginning of each school year and, if after the school year has begun, upon a student's enrollment.
3. Make copies of the Code of Conduct available in each school building for review by students, parents, and other community members throughout the school year.
4. Provide all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption.

The District will sponsor a professional development program for all District employees to support the effective implementation of the Code of Conduct in the schools. The Superintendent may solicit the recommendations of District staff, particularly teachers and administrators, regarding professional development pertaining to the management and discipline of students. Additional professional development related to the Code of Conduct, its implementation and student discipline will be included in the District's professional development plan, as needed. Teachers will be expected to review the Code of Conduct with their students in class.

Review of the Code of Conduct

The Board of Education will review the Code of Conduct yearly and update it as necessary. In conducting the review, the Board will consider the effectiveness of the Code of Conduct's provisions and whether the Code has been applied fairly and consistently. In order to assist the Board, the Superintendent and/or his/her designee may evaluate the implementation of the Code of Conduct including, but not limited to, school climate, interventions, and responses in an effort to foster appropriate behavior and ensure its implementation with fidelity.

Additionally, the Superintendent may appoint an advisory committee of stakeholders to assist in reviewing the Code of Conduct.

The Board will hold at least one public hearing before adopting any revisions to the Code of Conduct. At this hearing, school personnel, parents, students, and any other interested parties will be provided an opportunity to participate.

The Code of Conduct and any amendments to it will be filed with the New York State Commissioner of Education, in the manner prescribed by the Commissioner, no later than 30 days after adoption.