



CODE OF CONDUCT

Adopted by Resolution of the Board of Trustees on Month Day, Year As Revised and Re-Adopted by Resolution of the Board of Trustees on April 16, 2019

I. INTRODUCTION

The Board of Trustees of the Charlton School/Ketchum-Grande School is committed to providing a safe and orderly school environment where students may receive and Agency personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, administrators, other Agency personnel, parents and other visitors is essential to achieving this goal.

The New York State Dignity for All Students Act focuses on ensuring that our school is a safe place and that students know that they are protected from certain types of behavior. All students have the right to enjoy their education without worrying about unkind words or actions from others. The Guidance Counselor serves as the Dignity Act Coordinator of the school. Any student, at any time, has the right to express concerns confidentially to the Dignity Act Coordinator. No student should be discriminated against based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex on school property or at any school function.

If any negative action takes place off school grounds, it can be considered against school rules when it negatively impacts the ability of a student to focus on their school work or participate in school activities.

The Agency has a long-standing set of expectations for conduct on school property, at school functions as well as conduct off school premises. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, and aspire to:

- Foster an environment of mutual trust and respect
- Raise people’s knowledge, skill and opportunity
- Inspire students, staff and community members to pursue equity and excellence and to lead by example.

The Agency recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”). Further, the Code of Conduct has been written to comply with Project SAVE legislation – the Safe Schools Against Violence in Education Act. This law seeks to improve school safety and ensure a safe and effective learning environment. Unless otherwise indicated, this code applies to all students, Agency personnel, parents and other visitors when on school property or attending a school function.



II. DEFINITIONS

Bullying	Has been described by the U.S. Department of Education as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.
Color	Means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
Dangerous Weapon	Means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, The penal code of the State of New York shall be used to determine what is considered a weapon (Penal Law Sections 265.01-265.06).
Dignity for All Students Act	The intent of the Dignity Act is to provide all students with a safe and supportive environment free from discrimination, harassment, bullying, taunting or intimidation, as well as to foster civility in public schools. The Dignity Act explicitly provides that no student must be subjected to discrimination and/or harassment by employees and/or students on school property or at a school function based on his or her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. The eleven protected classes are provided for in this listing of definitions. Dignity for All Students Act
Disability	Means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[3] and Executive Law Section 292[21]).
Disciplinary Change in Placement	<ol style="list-style-type: none"> 1) A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either: <ol style="list-style-type: none"> a) For more than 10 consecutive school days; or b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student’s behavior is substantially similar to the 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 is removed and the proximity of the suspensions or removals to one another.



Employee	Means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section 11[4] and 1125[3])
Ethnic Group	Means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.
Firearm	As defined by Gun-Free School Act (18 USC Section 921) means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any “destructive device” (i.e., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).
Gender	Means the socially constructed and self-identified roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)
Harassment	Means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).
Individualized Educational Program (IEP)	Means a written statement developed, reviewed and revised in accordance with Section 200.4 of the Regulations of the Commissioner that includes the components specified in Section 200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.
Individuals with Disabilities Education Act (IDEA)	Means the Federal laws related to the education of students with disabilities
National Origin	Means a person's country of birth or ancestor's country of birth.
Plagiarism	Is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.
Race	Means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos"



	etc. to describe and classify the inhabitants of the United States.
Religion	Means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
Religious Practice	Means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
Agency Vehicle	Means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).
School Function	Means a school sponsored extracurricular event or activity (Education Law Section 11[2]).
School Property	The Agency defines school property, in accordance with Education Law Section 11[1], as anything “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.”, or in case the Agency.
Sex	Means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)
Sexual orientation	Means the sex to which a person is sexually attracted.
Student Support Service Personnel	Means any Agency staff who provides direct educationally related services and/or assist students in coping with peer pressure and emerging personal, social, emotional and physical problems. These services are provided by psychologists, social workers, counselors, school counselors, ESL teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, occupational or physical therapists.
Violent Student	Means a student up to and including the age of 21 who: <ol style="list-style-type: none">1) Commits an act of violence upon an agency employee, or attempts to do so.2) Commits, while on Agency property or at a school function, an act of violence upon another student or any other person lawfully on agency property or an agency function, or attempts to do so.3) Possesses, while on agency property or at a school function, what appears to be a weapon.4) Displays, while on agency property or at a school function, what appears to be a weapon.5) Threatens, while on agency property or at an agency function, to use a weapon.6) Knowingly and intentionally damages or destroys the personal property of any agency employee or any person lawfully on agency property or at a school function.



	7) Knowingly and intentionally damages or destroys Agency property.
Weapon	Means any unauthorized device, instrument, material or substance that is capable of causing physical injury or death.
Weight	Means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

III. Student Rights and Responsibilities for a Safe & Receptive Learning Environment

The Charlton School/Ketchum-Grande School is committed to safeguarding the rights given to all students under state and federal law and to promote a safe, healthy, and respectful school environment. With every right comes a responsibility...

It is the student's right:

It is the student's responsibility:

1)	To attend school in a safe, purposeful place for all students to gain an education and to be treated fairly.		To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a quality education.
2)	To be supported by school personnel who are receptive to the student's needs and concerns.		To express one's needs and concerns in an appropriate and respectful manner.
3)	To be respected as an individual.		To respect one another, and to treat others in the manner that one would want to be treated.
4)	To express one's opinions verbally or in writing.		To express opinions and ideas in a respectful manner so as not to offend, harm, or restrict, the rights and privileges of others.
5)	To be afforded equal and appropriate educational opportunities.		To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
6)	To feel safe from crime, violence, intimidation, bullying, harassment, racism, and other discrimination in school.		To know and obey school behavioral expectations and to report unsafe situations to school personnel
7)	To be informed of school policies and school rules		To read, know, and/or ask for clarification of school policies and school rule
8)	To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies		To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.



	capable of providing direct assistance to students with serious personal problems.		
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IV. STUDENT CIVILITY AND DRESS CODE:

All student interaction and communication among themselves, teachers, Agency administrators, other Agency personnel and visitors on Agency property will be appropriate, civil and respectful. Students are expected to behave appropriately and treat others with respect and courtesy. Students should respect their peers, teachers, and Agency staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, negative comments based on race or ethnicity and obscene comments or gestures toward others will not be tolerated. Appropriate disciplinary action will be taken.

The primary responsibility for the dress and appearance of students shall rest with individual students, and parents. In the case of a residential student, a designated staff will assist the student in meeting dress code compliance. Parents, students and agency staff have the right to determine how the student shall dress, provided that such attire complies with requirements for health and safety, does not interfere with or distract from the educational process, or impinge upon the rights of others. The agency is authorized to take action in instances where individual dress does not meet these stated requirements.

While the Agency’s administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts and tee shirts, they may not prescribe a specific brand which students must buy. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

- 1) Be safe, appropriate and not disrupt or interfere with the educational program.
- 2) Recognize that extremely brief or see-through garments are not appropriate.
- 3) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- 4) Not include items that are vulgar, obscene, or libelous or denigrate others on account of race, color, religion, creed, national origin, age, political affiliation, sexual orientation, or use of a recognized guide dog, hearing dog or service dog, gender or disability.
- 5) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- 6) Not display any signs of gang affiliation.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or an Agency function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

The Director of Education 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 the acceptable item. 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.



V. Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any personal electronic device, including but not limited to any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the Agency Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Agency personnel should exemplify and reinforce acceptable student dress and behavior (including unauthorized/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

VI. PROHIBITED STUDENT CONDUCT

Agency staff expects all students to conduct themselves in an appropriate and civil manner per the Agency Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the Agency community, and for the care of facilities and equipment.

Students who will not accept responsibility for their own behavior or who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school when they engage in conduct that is A. disorderly, B. insubordinate, C. disruptive, D. violent, E. endangers the safety, morals, health or welfare of others, F. engage in misconduct in an agency vehicle, or G. engage in academic misconduct.

A. Engage in conduct that is disorderly:

Examples of disorderly conduct include but are not limited to:

- 1) Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incites others.
- 2) Obstructing vehicular or pedestrian traffic.
- 3) Trespassing - Students are not permitted in any area on campus, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 4) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the Agency's content filter; using an outside wireless network; or any other violation of the Agency Acceptable Use Policy.
- 5) Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices) deemed inappropriate by the administration.



- 6) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the Agency computer systems.

B. Engage in conduct that is insubordinate:

Examples of insubordinate conduct include but are not limited to:

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other Agency employees or otherwise demonstrating disrespect.
- 2) Missing or leaving school or class without permission.

C. Engage in conduct that is disruptive:

Examples of disruptive conduct include but are not limited to:

- 1) Failing to comply with the reasonable directions of teachers, Agency administrators or other Agency employees or otherwise demonstrating disrespect.
- 2) Endangering the health and safety of other students or staff or interfering with classes or Agency activities by means of inappropriate appearance or behavior as per Agency Code of Conduct.

D. Engage in conduct that is violent:

Examples of violent conduct include but are not limited to:

- 1) Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other Agency employee.
- 2) Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on Agency property.
- 3) Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- 4) Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on Agency property or at an Agency function.
- 5) Displaying what appears to be a weapon.
- 6) Threatening to use any weapon(s).
- 7) Using weapon(s).
- 8) Intentionally damaging or destroying Agency property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other Agency employee or any person lawfully on Agency property, or at an Agency function including but not limited to graffiti or arson.
- 9) Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off Agency property, where the content of such communication
 - a) can reasonably be interpreted as a threat to commit an act of violence on Agency property; or
 - b) results in material or substantial disruption to the educational environment



E. Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others:

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

- 1) Lying, deceiving or giving false information to Agency personnel.
- 2) Stealing Agency property or the property of other students, Agency personnel or any other person lawfully on Agency property or while attending an Agency function.
- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video or audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- 4) Discrimination, based on a person's actual or perceived race, color, weight, age, use of a recognized service dog, creed, national origin, political affiliation, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function.
- 5) Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well being based on a person's actual or perceived race, color, weight, age, use of a recognized service dog, creed, national origin, political affiliation, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability.
- 6) Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- 7) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- 8) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- 9) Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- 10) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- 11) Selling, using, possessing or distributing obscene material.
- 12) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco/nicotine, tobacco/nicotine products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants,



marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."

- 13) Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- 14) Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other over the counter substances such as dietary supplements, weight loss pills, etc.
- 15) Gambling.
- 16) Inappropriate touching and/or indecent exposure.
- 17) Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
- 18) Violating gender privacy when using school restroom facilities.

F. Engage in Misconduct in an Agency Vehicle:

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

G. Engage in Any Form of Academic Misconduct:

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

- 1) Plagiarism.
- 2) Cheating.
- 3) Copying.
- 4) Altering records/forgery.
- 5) Violation of the Agency’s Acceptable Use Policy for technology.
- 6) Assisting another student in any of the above actions.

VII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, social worker, the Director of Education or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Director of Education or her/his designee, an Agency Administrator, or the Executive Director.

All Agency instructional staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Non-instructional Agency staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn



impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the disciplinary sanction warranted, which may include permanent suspension or referral for prosecution. The Director of Education or his or 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 Director of Education or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

VIII. DISCIPLINARY PENALTIES AND PROCEDURES

Methods of student discipline vary in style and effectiveness. 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. While no single method of discipline is recommended or mandated, all discipline is to be appropriate to the situation and in accordance with law, regulations and Agency policies. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to develop self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent. So as to be the most effective in changing student behavior, there will be a natural and logical relationship between the student's behavior and consequences of that behavior. In determining the appropriate disciplinary action, agency personnel authorized to impose disciplinary penalties will consider the following:

- 1) The information developed in the student's Positive Behavior Support Plan (PBSP)
- 2) The nature of the offense and the circumstances which led to the offense
- 3) The student's prior disciplinary record
- 4) The effectiveness of other forms of discipline
- 5) Information from parents, teachers and/or others, as appropriate
- 6) Other extenuating circumstances
- 7) If the conduct of a student is related to a disability or suspected disability, specific procedures outlined within this Code must be followed

As a general rule, discipline will be progressive. This means that a student's first violation will usually lead to a less serious consequence than subsequent violations. Each student's consequences will be individually determined based on the above listed factors.

For special education students within Ketchum-Grande, the Agency accepts that students with disabilities often display a range of behaviors which would be deemed disruptive within a regular education setting. These behaviors may include conduct that is disorderly, insubordinate, disruptive, and/or violent. The Agency's special education program incorporates behavior management systems as part of the overall instructional program that are designed to address this range of student behaviors. However, students with disabilities will be subject to discipline in accordance with this Code of conduct and with the law.



A. Disciplinary Outcomes:

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

- 1) Oral warning – any member of the Agency staff
- 2) Written notification to parent – Director of Education
- 3) Suspension of other privileges – Director of Education
- 4) Removal from classroom – teacher, education staff, Director of Education
- 5) In-school suspension – Director of Education
- 6) Short-term (five days or less) suspension from school – Director of Education, Executive Director
- 7) Long-term (more than five days) suspension from school – Home District, Executive Director, Board of Trustees will be notified.

B. Disciplinary Procedures:

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

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

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 The Director of Education or designees and the Executive Director to place students, who would otherwise be suspended from school as the result of a Code of Conduct violation, in “in-school suspension.” <u>A student subject 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 Agency official imposing the in school suspension to discuss the conduct and the penalty involved.</u>
Suspension from School	Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board vests authority to suspend students as a primary responsibility of the Executive Director. All staff members must immediately report and refer a violent student to the Director of Education or the Executive Director for violation of the Code of Conduct.



The Director of Education or the Executive Director, upon receiving a report of a violation to the Code of Conduct, or while processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the Director of Education or the Executive Director (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents directly that the student may be suspended from school. The written notice will be provided in a timely manner.

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

An opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does not pose such danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon as is reasonably practicable prior to the suspension.

After the conference, the Director of Education shall promptly advise the parents in writing of his or her decision. The Director of Education shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Executive Director within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Executive Director shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Executive Director’s decision, they must file a written appeal to the Board of Trustees within 10 business days of the date of the Executive Director’s decision, unless they can show extraordinary circumstances precluding



		<p>them from doing so. Only final decisions of the Board may be appealed to the Commissioner of the NYS Education Department within 30 days of the decision.</p> <p>The Director of Education or Executive Director may order the suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior unless the particular suspension would result in a disciplinary change of placement. Any student with a disability who has been suspended for any 10 days within a school year must be referred to the Committee on Special Education for a manifestation determination hearing. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should request specifics of these legal protections from the Committee on Special Education.</p>
2)	Long-term (more than 5 days) suspension from school	The Director of Education or Executive Director will refer to the student’s home district for resolution. Until the home district can develop a plan and/or schedule a CSE meeting to develop a plan, the process described above (1. Short Term Suspension) will be initiated.
3)	Program discharge (Permanent suspension)	Program discharge is reserved for extraordinary circumstances such as where a student’s conduct poses a life-threatening danger to the safety and well being of themselves, other students, school personnel or any other person lawfully on school property or attending a school function. The Director of Education or Executive Director will refer to the students home district for resolution.

C. Minimum Periods of Suspension:

1) Bringing or possessing a firearm as defined by the Gun Free Schools Act to School

Any student found guilty of bringing or possessing a firearm, as defined by 18 USC Section 921 for purposes of the Gun-Free Schools Act, onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Executive Director has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Executive Director may consider the student’s age, grade in school, prior disciplinary record, potential effectiveness of other forms of discipline, input from parents, teachers and/or others, other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2) Committing violent acts

Any student who is found to have committed a violent act, other than bringing a firearm onto school property as defined by the Gun Free Schools Act, shall be subject to suspension from school for at least



five days. If a minimum five-day suspension is proposed, the student and the student’s parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student’s parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Executive Director has the authority to modify the minimum five-day suspension on a case-by-case basis as were described above for modifying a one-year suspension for possessing firearm. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom shall be subjected to a suspension from school for at least five days. For purposes of this Code of Conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester. If a minimum five-day suspension is proposed, the student and the student’s parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student’s parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Executive Director has the authority to modify the minimum five-day suspension on a case-by-case basis using the same factors as were described above for modifying a one-year suspension for possessing a firearm.

IX. ALTERNATIVE INSTRUCTION

When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the Agency will take immediate steps to provide alternative means of instruction for the student. This alternative instruction will be a minimum of 10 (ten) hours per week.

X. DISCIPLINING STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Agency administrative staff is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

A. Authorized Suspensions or Removals of Students with Disabilities:

1) For purposes of this section of the Code of Conduct, the following definitions apply:

A “suspension” means a suspension pursuant to Education Law §3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES)



ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others for behavior involving weapons, illegal drugs or controlled substances.

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

- 2) Agency personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:
 - a) The Executive Director or Director of Education may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b) The Executive Director may order the placement of a student with a disability into an IAES, another setting or suspension for more than five and up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under the preceding subparagraph above for the same behavior, if the Executive Director determines following a Section 3214 hearing that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c) The Executive Director may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d) The Executive Director may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to or at school, on school premises or to or at a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - i) “Weapon” means any unauthorized device, instrument, material or substances that is capable of causing physical injury or death.
 - ii) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - iii) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- 3) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.



B. Change of Placement Rule:

- 1) A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a) For more than 10 consecutive school days; or
 - b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the 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 is removed and the proximity of the suspensions or removals to one another.
- 2) Agency personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal, except where the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

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

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

If one or more members of the CSE believe that modifications are needed, the Agency shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
 - b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an on-campus IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
- 2) The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and the New York State regulations at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the Agency is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary



action occurred. If the Agency is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a) The Executive Director when imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the Agency had knowledge the student was a student with a disability, the parent of the student has not allowed an evaluation of the student, or has refused services, or it was determined that the student is not a student with a disability.
- 3) If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.
 - 4) However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the Agency, which can include suspension.
 - 5) The Agency shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.
 - 6) The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.
 - 7) The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
 - 8) Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
 - 9) The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
 - 10) During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings:

- 1) An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a) The Agency requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process



hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b) The parent requests such a hearing from a determination that the student’s behavior was not a manifestation of the student’s disability, or relating to any decision regarding placement, with respect to discipline, including but not limited to any decision to place the student in an IAES.
- 2) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student’s disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the Agency agree otherwise.
- 3) If school personnel propose to change the student’s placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- 4) An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the Agency and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities:

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

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

XI. CORPORAL PUNISHMENT / EMERGENCY INTERVENTIONS

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of the Agency.

A. Emergency Interventions:

The agency recognizes that, under certain circumstances, trained agency staff may find it necessary to resort to reasonable and prudent physical restraint in maintaining order in or on school premises.

If alternative procedures and methods which would not involve a physical restraint do not work, then the use of physical restraint by staff trained in Therapeutic Crisis Intervention (TCI) is permitted for the following reasons:

- 1) To protect oneself from physical injury;
- 2) To protect another student or teacher or any other person from physical injury;



- 3) To protect the property of the school or of others;
- 4) To restrain or remove a student whose behavior is interfering with the exercise and performance of the Agency’s functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

B. Physical Restraint:

Accordingly, the following actions by agency staff are herewith authorized:

- 1) Physical restraint which may be used to prevent threatened assault, self-inflicted harm or physical injury to other students or personnel;
- 2) Physical restraint which may be used to prevent damage to school property.
- 3) The Agency will maintain documentation of the use of emergency interventions for each student on the Critical Incident with Restraint form including:
 - a) Name and date of birth of student
 - b) Setting, location, date and time of incident
 - c) Name of staff or other persons involved
 - d) Description of the incident and emergency intervention use including duration
 - e) A statement as to whether the student has a current behavioral intervention plan
 - f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by Agency personnel to include all members of the Incident Review Committee and Continuous Quality Improvement Committee.

XII. STUDENT SEARCHES AND INTERROGATIONS

All searches at The Charlton School are conducted in a manner that respects the student’s rights for privacy, dignity and self determination. The Search Policy is based on New York State Office of Children and Family Services and New York State Education Department regulations and is an attempt to balance privacy rights of Students with The Charlton School's responsibility to provide the students with a safe environment

Reasonable Cause

Searches may be conducted only when there *is reasonable cause to suspect* a Student possesses one or more of the following:

- (1) a stolen item (2) items whose possession constitutes a crime or offense (i.e. weapons, illegal drugs), and/or (3) items which the agency may consider dangerous and pose a risk of harm to the student, other students, or the agency (i.e. matches, razors, medications etc).

“Reasonable cause to suspect” may include suspicious or unusual behavior on the part of the student, unusual smells or odors in rooms or hallways. Searches may also ensue as a result of an inadvertent discovery by a staff person of illegal substances, drug paraphernalia, dangerous objects or other



contraband. Allegations made by students against other students must have independent substantiation or other corroborating evidence to result in a search.

Searches

Searches may take various forms, such as individual room searches and searches of personal items including purses and pockets. A Student may be required to empty her pockets, purse, backpack or any bag if there is reasonable cause to suspect the item is hidden there. Staff may also perform a visual inspection of the mouth of a Student. Upon return from any Home Visit or Day Pass, student's bags/luggage are routinely searched to deter the importing of illegal drugs, alcohol, weapons, medications, razors etc.

Searches are performed by trained, qualified staff members only. Students are not permitted to help staff members conduct any searches including bag searches and room searches.

When on campus, The Executive Director, Clinical Director, Residential Director, Director of Education, Campus Coordinator or a Cottage Program Supervisor must authorize every search. In the absence of all of the aforementioned administrators, the On Call Administrator must authorize searches. Youth Care staff must obtain approval from one of the aforementioned persons before conducting any search.

When it is perceived that the safety of Students is at risk due to suspicions that weapons or dangerous materials and/or articles are present on the agency property, unannounced general cottage-wide searches may be conducted. These searches must receive prior approval from the New York State Office of Children and Family Services Regional Office Director. If time does not permit the prior approval, O.C.F.S must be notified at the earliest possible time, no later than the first business day after the search occurs. The Executive Director is responsible for securing approvals from or giving notifications to O.C.F.S.

Notifications

Students whose room, personal item, or bags are subject to searches must be notified of the search and given the opportunity to be present for the search. Students have the option to decline to be present.

If it is impossible to notify a student and there is reason to believe that waiting for the Student's return will endanger others, the Student must be notified of the search as soon as possible.

Following any search of individual student's rooms for contraband and unannounced general cottage-wide searches, student's parents, legal/guardians are notified that day or the following business day by the student's therapist.

Documentation

Documentation of all searches, except routine bag searches after home visits must be maintained. The staff persons conducting the search must complete an electronic Documentation of Incident w/ Search form using the agency local area network computer system. Search documentation must include an explanation of the purpose of the search and the outcome. A hard copy of this document must be printed placed in the Student's permanent file and a copy must be maintained in the agency Search Documentation book. The hard copy must be signed by the administrator authorizing the search. In the event the agency computer system is down, blank paper copies of the Documentation of Search form are located in each Youth Care Office. Completed paper forms must be placed in the campus inter agency mail envelope to be sent to Administration for review and signatures.

Administrative Review

All search documentation passes through a process for review and signature by the therapist and the Cottage Program Supervisor of the student(s) involved, the Support Plan Compliance Specialist, the Residential Director, Clinical Director, Executive Director and the Risk Management Coordinator. All searches, except routine bag searches after home visits are



reviewed administratively no later than one business day after their use by the Residential Director, as well as on a monthly basis as part of the Risk Management portion of The Charlton School Continuous Quality Improvement Committee and Workplace Safety Committee meeting.

A. Student Lockers, Desks and Other School Storage Places

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

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. The staff at The Charlton School/Ketchum Grande Memorial School are not authorized to conduct a strip search. If an authorized school official believes it is necessary to conduct a strip search of a student they must notify the Executive Director and call the authorities immediately.

C. Police Involvement in Searches and Interrogations of Students

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

- 1) A search or an arrest warrant; or
- 2) Probable cause to believe a crime has been committed on school property or at a school function or;
- 3) Been invited by school officials.

Before police officials are permitted to question or search any student, the Director of Education shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Director of Education 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:

- a. They must be informed of their legal rights.
- b. They may remain silent if they so desire.
- c. They may request the presence of an attorney.

D. Child Protective Services Investigations

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

All requests by Child Protective Services to interview a student on school property shall be made directly to the Director of Education or his or her designee. The Director of Education or his or her designee shall set the time



and place of the interview. The Director of Education or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.

XIII. DISSEMINATION OF THE CODE OF CONDUCT

The agency will ensure that all Agency members and the local community are aware of this Code of Conduct by working in conjunction with the Executive Director in:

- 1) Providing a summary of the Code to all students in the Student Handbook.
- 2) Making copies of the Code available to all parents at the beginning of the school year.
- 3) Providing a summary of the Code of Conduct written in plain language to all parents of Agency students before the beginning of the school year and making this summary available later upon request.
- 4) Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
- 5) Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- 6) Making copies of the Code available for review by students, parents and other community members and providing opportunities to review and discuss this Code with the appropriate Agency personnel.

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