



**Brewster Central  
School District  
Code of Conduct  
2020-2021**

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## **Brewster Central School District Code of Conduct**

### I. Introduction

The 2020-21 school year will certainly be challenging and complex given the COVID-19 pandemic. With that said, The Board of Education (“Board”) and the Brewster Central School District remain steadfast in their commitment to providing a safe and inclusive learning environment in which all students receive a high quality education. Our Strategic Coherence Plan (SCP) outlines five 21st century skills that we as a learning community deem essential to success in the 21st Century: communication/collaboration, critical thinking, civic responsibility, adaptability and perseverance. It is our goal that these skills are not only embedded throughout our curriculum, instruction, assessment, professional learning, and learning environment, but that they are also evident in the decision-making of our students and in the expectations set forth by our administrators and staff.

This document is being written in the middle of an ongoing, multi-year, collaborative process in which we are transitioning from a Code of Conduct that is consequence-based to one that is rooted in restorative practices.

Please also note that this Code of Conduct remains in effect regardless of the mode of instruction that a student is participating in (all-remote or hybrid-remote/in-person). As a student enrolled in the Brewster Central School District, this is your Code of Conduct.

### **CODE OF CONDUCT FOR MAINTENANCE OF ORDER ON SCHOOL PROPERTY**

The Brewster Central School District, in accordance with Section 2801(2) of the New York State Education Law, hereby enacts the following Code of Conduct for maintenance of order on school property:<sup>1</sup>

#### **A. Guidelines regarding the following topics on district property and at school functions pertaining to:**

1. Conduct, Dress and Language Deemed Acceptable
  - a) Students - The Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere

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<sup>1</sup> 1 In the event of any dispute between the language of this Code of Conduct and the Board Policies cited throughout, the language of the Board Policies shall control.

with the learning process. The Board also requires students to wear appropriate protective gear in certain classes (e.g., Science, P.E.). Hats, clothing and attire that bear an expression or insignia that is obscene or libelous; that advocates racial or religious prejudice, or any type of prejudice against protected classes as outlined in the Dignity for All Students Act; that can be reasonably forecast to cause a material and substantial disruption to the school day; or promotes drugs, alcohol, or tobacco products, are forbidden. The Superintendent of Schools and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines. Student conduct, dress and language on school property shall further be governed by this Code.

- b) Employees – Conduct, dress and language for employees on school property shall be determined in accordance with law and collective bargaining agreements.
- c) Parents / Persons of Parental Relations and Visitors – Conduct, dress and language of visitors on school property shall be governed by Section “B(5)” of this Code of Conduct.
- d) Contractors with the school District will be required to adhere to the District policy section regarding conduct, dress and language on school property, as applicable. See “B(5)” of this Code of Conduct.

## 2. Roles of Stakeholders Implementing Appropriate Conduct on School Property:

All stakeholders should assist students in maintaining a safe, supportive school environment, 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-concept and promote confidence to learn.

- a) Teachers – Teachers should familiarize themselves with the requirements of this Code, including their rights and responsibilities in removal of disruptive students; referrals of “violent” students as defined in the Code; as well as reporting dangerous situations;

- b) Administrators – Administrators should review and familiarize themselves with their obligations under this Code, including their role in the removal of disruptive students; procedures for dealing with “violent” students; as well as their role in enforcing the Code in a manner which will protect the safety and well-being of various populations of the school while respecting individual rights;
- c) Other School Personnel – Other school personnel should familiarize themselves with the requirements of the Code and for reporting dangerous students.
- d) Board of Education – The Board’s role is to review and adopt this Code of Conduct in accordance with law, and to review, at least annually, the Code’s effectiveness and the fairness and consistency of its implementation;
- e) Parents / Persons of Parental Relations – Parents / persons of parental relations should recognize that education is a joint responsibility of both parents / persons of parental relations and the school community and should familiarize themselves with the Code.
- f) Dignity Act Coordinators – The Dignity Act Coordinators will oversee bullying prevention measures and address issues surrounding discrimination, harassment and bullying in their buildings.
- g) Students:  
It shall be the right of each District student:
  1. to have a safe, healthy, orderly and courteous school environment;
  2. to take part in all District activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex;
  3. to attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
  4. to have school rules and conditions available for review and, whenever necessary, explanation by school personnel;
  5. to be suspended from instruction only after his/her rights pursuant to Education Law Section 3214 have been observed;

6. in all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction; and
7. not to submit to a survey, analysis, or evaluation that reveals information concerning:
  - a. political affiliations;
  - b. mental and psychological problems potentially embarrassing to the student or his/her family;
  - c. sexual behavior and attitudes;
  - d. illegal, antisocial, self-incriminating and demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged and comparable relationships, such as those of lawyers, physicians, and ministers; or
  - g. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);

without the prior written consent of the student, if over 18 years of age, or without the prior written consent of the parent / person of parental relations for those students under 18 years of age. However, such survey, analysis or evaluation may be conducted on a wholly voluntary basis, provided that the student and his/her parent / person of parental relations have been notified of their rights and of their right to inspect all materials related to the above.

It shall be the responsibility of each District student:

- to be familiar with and abide by all District policies, rules and regulations pertaining to student conduct;
- to work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
- to conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the District and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
- to seek help in solving problems that might lead to discipline procedures;
- to be in regular attendance at school and in class;
- to contribute to the maintenance of an environment that is conducive to learning

- and to show due respect to other persons and to property;
- to dress in accordance with standards promulgated by the Board and the Superintendent; and
  - to make constructive contributions to the school, and to report fairly the circumstances of school-related issues.

Any violation of the Code of Conduct at any point in the school year could result in the loss of privileges, including school-sponsored events such as proms or other dances, events held outside of school hours, participation in athletics, and/or walking at graduation. Egregious acts, including senior pranks, may result in the aforementioned consequences, as well as revocation of school-issued employment certificates.

## **B. Standards and Procedures to Ensure the Security and Safety of Students and School Personnel**

### **1. Safety of Students**

The Board of Education recognizes the District's responsibility for ensuring the safety of all students in school buildings or on school grounds, and/or participating in school activities.

The safety of all students shall be the responsibility of all staff members. In case of accident or injury, students shall receive first aid from the nurse or other trained professionals nearest the scene. The nurse or administrator/administrator's designee shall notify the parent(s) / person(s) of parental relations as soon as possible or, if neither parent(s) nor person(s) of parental relations is available, the family or school physician shall be notified.

The safety of students will be assured through close supervision of students on school premises and on school buses. Special attention will be given to the following:

- maintaining a safe school environment through periodic inspection of the physical condition of all buildings and grounds;
  - observation of safe practices on the part of school personnel and students, (e.g. use of personal protective equipment) particularly in those areas of instruction or extracurricular activities which offer special hazards.
- Section 409-a of the Education Law and the relevant sections of the

Commissioner's Regulations regarding the wearing of eye safety devices in shops and laboratories, etc. will be strictly observed;

- offering safety education to students, as appropriate, in subjects such as laboratory courses in science, technology education, and health and physical education;
- notifying the school nurse of all accidents. For every accident, an accident report must be completed and filed; and,
- adherence to health and safety guidelines pertaining to COVID-19.

In addition, school personnel shall be conscious of suspicious strangers loitering in or near the school. The Superintendent/Building Administrator shall notify law enforcement agencies if the circumstances seem to warrant it. Students shall be instructed to notify teachers, their parents / persons of parental relations, police (school resource officer) or school officials of any suspicious strangers.

The Board recognizes its responsibility to include in the curriculum instruction that deals with student safety and welfare. Such instruction will meet state mandates in the following areas:

- fire and arson instruction;
- bus emergency drills;
- disaster planning and civil preparedness;
- substance abuse prevention;
- the use of safety devices;
- energy conservation; and
- environmental conservation.

### **Safety Measures**

All required and mandated drills will be implemented by the District. Evacuation drills are to be conducted on a regular basis and at least as often as required by law. The Superintendent or his or her designee is responsible for a decision to close school or to evacuate the schools in case of emergency. The safety and welfare of the children is to be the prime consideration in such decisions.

### **Elopement**

The District shall ensure that there are building policies, procedures and protocols in place to prevent and address instances of wandering and elopement, particularly for

students with cognitive impairments and other disabilities. In addition, the District should identify students with known elopement behaviors to all building staff.

For students with disabilities, the District should identify if the student has the tendency to wander or elope from school property, and, if so, should ensure that the proper steps are taken to address those behaviors, including training staff assigned to work with the student(s).

## **2. Notification of Sex Offenders**

The Board of Education acknowledges the efforts of local law enforcement to notify the District when a person with a history of sex offenses against a child is being paroled or released into the community, in accordance with the provisions of the Sex Offender Registration Act, commonly known as Megan's Law. The purpose of this notification is to protect members of the community, particularly children, by notifying them of the presence of individuals in their midst who may present a danger. Consistent with its duty to protect students under its care, the District shall cooperate with local law enforcement agencies in this endeavor.

Any information provided by local law enforcement officials pursuant to Megan's Law shall be posted in an appropriate location in all school buildings. In addition, the Superintendent of Schools shall ensure the dissemination of any such information to all staff who might come into contact with the offender in the course of doing their jobs, including Building Principals, staff who issue visitors' passes, bus drivers, custodians, playground monitors, security personnel, and coaches. All other staff members and community residents shall be informed of the posting requirement for such information established by this policy and of the availability of the information, upon request.

Community residents shall also be reminded of the security measures and personal safety instruction provided at school. All staff requests for information provided by the law enforcement agencies shall be directed to the Building Principal. Requests for information from community residents shall be directed to the District Clerk.

The Superintendent shall establish any necessary regulations for implementing this policy with the advice of the school attorney.

## **3. Reporting of Hazards**

The Board of Education recognizes its responsibility to provide an environment which is reasonably secure from known hazards. The Board therefore directs the Superintendent of Schools and all professional and support staff members to comply with occupational safety and health regulations, including the Hazard Communication Standard and "Right-to-Know" legislation.

The Superintendent will direct appropriate personnel to develop and oversee a written hazard communication program. Such program will include the following:

1. the acquisition, maintenance and review of Material Safety Data Sheets (MSDSs) for all known hazardous materials on District property;
2. the compilation of a hazardous materials inventory;
3. employee training in hazardous materials management and protection; and
4. "Right to Know" posters and the "Labor Law Information Relating to Public Employees" posters must be posed in common areas informing workers of relevant work hazards and associated rights; and
5. the recording of all incidents involving exposure to known hazardous materials.

Records of employees who have been exposed to substances with enforceable exposure standards shall be kept for forty years.

It is the responsibility of the entire school community to report any unsafe building or equipment conditions to the main office as soon as possible. In addition, designated administrators will provide notice of hazardous materials to current and former employees within 72 hours of a request, exclusive of weekends and holidays.

#### **4. Students and Staff Reporting Unsafe Conditions**

The Board of Education also seeks to ensure the safety of students and employees of the District while on District property. The Board and administrative staff, in cooperation with students and employees, will take reasonable measures to prevent accidents on the school premises.

Any dangerous conditions involving equipment or buildings or any unsafe practices by anyone in the building or on the grounds of the District are to be immediately reported to the Building Principal or his/her designee.

Formal objective investigations of all accidents or unsafe conditions are to be immediately conducted by the Building Principal and the results of the investigation are to be presented to the Superintendent in a written report. The results of selected investigations should be communicated to employees and students for the purpose of determining how the accident might have been avoided.

## **5. Visitors to the Schools**

All visitors will be required to report to the Main Office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate these requests.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits. These procedures include those implemented in an effort to mitigate the spread of COVID-19. Visitors to the schools are expected to adhere to procedures and protocols including but not limited to: temperature check, health screenings/questionnaires, social distancing from others and mask wearing.

### **Electronic Visitor Management System**

The District utilizes an electronic visitor management system (EVMS) in order to ensure the safety and welfare of its students, staff, and guests. When any visitor, including parents / persons of parental relations and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license, or some other acceptable form of proof of identity. Prior to entry being permitted, the EVMS will check visitors against known sexual offender databases. Once the visitor's ID is scanned, the EVMS will print a visitor's badge which must be worn throughout the duration of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors who refuse to produce IDs or fail the check of sexual offender databases, may be asked to either wait in the school building lobby or to leave school premises.

Visitors to the schools of the District shall be governed by the following rules:

1. Each Building Principal shall establish and maintain a safety plan outlining the process for registration and authorization for visits to his/her school. Such plans shall be submitted to the Superintendent of Schools for approval, and thereafter be made available in the Principal's office to anyone interested in visiting the school.
2. The Principal of the school must be contacted by the person or group wishing to visit, and prior approval must be obtained for the visit.
3. Parents / persons of parental relations wishing to speak with a specific teacher concerning the progress of a child must make an appointment with the teacher. The teacher will notify the Main Office and the Building Principal (or his/her designee).
4. All visitors must report to the main office, sign in, and be issued a visitor's permit, which must be displayed at all times. The permit must be returned to the main office and the visitor must sign out at the conclusion of the visit.
5. Registration shall not be required for school functions open to the public, whether or not school-related.
6. Parents / persons of parental relations are encouraged to visit guidance counselors, school nurses, school psychologists and other support personnel, by appointment, in order to discuss any problems or concerns the parent / person of parental relations may have regarding the student, whether or not school-related.
7. Any visitor wishing to inspect school records or interview students on school premises must comply with all applicable Board policies and administrative regulations. The request shall only be granted in accordance with applicable law, regulation and policy. In questionable cases, the visitor shall be directed to the Superintendent's office to obtain written permission for such a visit.
8. The Principal is authorized to take any action necessary to secure the safety of students and school personnel. Unauthorized visitors shall be requested to leave school premises immediately, and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse.

## **6. Reporting Harassment, Discrimination and/or Bullying**

The Board of Education is committed to providing a safe and productive learning environment within its schools. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

The Dignity Act Coordinators are:

Brewster High School, Assistant Principal, Mr. Carlos Rodriguez, (845) 279-5051 x1137  
Wells Middle School, Assistant Principal, Ms. Christian Hernandez,  
(845) 279-3702 x2134  
C.V. Starr Intermediate School, Assistant Principal, Mr. Keith Allen,  
(845) 279-4018 x3117  
JFK Elementary School, Assistant Principal, Mr. John Conroy, (845) 279-2087 x4114

The Title IX Coordinators are:

Dr. Michelle Gosh, Assistant Superintendent for Curriculum, Instruction  
and Assessment, (845) 279-8000 x6119  
Dr. Brent Harrington, Director of Human Resources, (845) 279-8000  
x6125

The Title VI Coordinator is:

Dr. Michelle Gosh, Assistant Superintendent of Curriculum, Instruction  
and Assessment, (845) 279-8000 x6119

**C. Provisions for the Removal from the Classroom and from School Property, Including a School Function of Students and Other Persons Who Violate the Code.**

Disruptive Pupil – One who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

Removal – Students are precluded from returning to the class of the teacher from which they were removed.

Process for Removal of a Disruptive Student

1. If the student does present a danger or an ongoing threat of disruption to the academic process, removal can be immediate, but the school administrator must provide the removed student an opportunity to present his/her version of the events within 24 hours of removal.
  
2. If the student does not present a danger or an ongoing threat of disruption to the academic process, before removal the school administrator must provide the student with explanation as to why being removed, and an opportunity to present his/her version of the events.
  
3. Within 24 hours of removal, parents / persons of parental relations must be notified by principal or his/her designee of removal and reasons for removal.
  
4. Informal conference – If the pupil denies the charge, an opportunity for informal hearing must take place with parents / persons of parental relations and principal or his/her designee within 48 hours of removal.
  
5. Principal’s determination – The principal must make determination by close of business on the day following the informal conference to either uphold or reverse determination (determination can only be reversed if finding lacks substantial evidence, inconsistent with code of conduct, a violation of law, or if conduct warrants suspension). The principal may designate a school District administrator (e.g., an assistant principal) to carry out the principal’s functions in this regard. No pupil removed by a teacher may return until: (a) the principal or designee makes a final determination, or (b) the period of removal expires, whichever is less.

Continued Educational Programming – In the event of a disruptive student in accordance with this Code of Conduct, continued educational programming will be provided during

the period of removal as soon as is practicable. The type of continued educational programming will vary depending upon the student's individual needs but may consist of, for example, in-school suspension, or other instruction as provided by the teacher and determined by the principal.

a) Staff

Removal shall be determined in accordance with applicable law and collective bargaining agreement.

b) Visitors and Contractors

Removal of visitors and contractors will be accomplished in accordance with section B(5) of this Code of Conduct.

**D. Provisions for detention, suspension and removal from the classroom of students, consistent with §3214 and other applicable federal, state and local laws including provisions for the school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school.**

a) "Violent" pupils – Teachers shall report and refer a "violent" pupil (as defined below) to the principal for appropriate action under the Code of Conduct, and a minimum suspension period in accordance with section "M" of this Code of Conduct.

For purposes of this section, a "violent" pupil is an elementary or secondary student up to 21 years of age who on District property, on school buses, or at school activities:

1. commits an act of violence upon a teacher, administrator or other school employee;
2. commits an act of violence upon another student or any other person lawfully upon District property, school buses, or at school activities;
3. possesses what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
4. displays what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or serious bodily injury;

5. threatens to use any instrument that appears capable of causing physical injury or death;
6. intimidates others in word, action, or dress;
7. 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 knowingly and intentionally damages or destroys school District property; or
8. harasses another student or member of the school community on the basis 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 or other legally protected category.

b) Serious and/or flagrant violations of the District's code of conduct at school or school functions can result in an immediate Superintendent of Schools' hearing. A student may be suspended from school or subjected to other disciplinary action when such student:

1. engages in conduct which is:

a) disorderly, e.g.,

- i. fighting or engaging in violent behavior, threatening another with bodily harm;
- ii. intimidation or bullying of students or school personnel;
- iii. making unreasonable noise;
- iv. using abusive language or gestures, including racial or ethnic remarks which are improper;
- v. recklessly engaging in conduct which creates a substantial risk of physical injury;
- vi. defaming individuals, including making false statements or representations about an individual or group;
- vii. creating and/or possessing and/or distributing sexually explicit, nude, or semi-nude images or videos of oneself and/or others (e.g., sexting); or is

b) insubordinate, e.g.,

- i. failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of the student;
- ii. missing or leaving school without permission; or

- iii. making an audio and/or video recording and/or transmittal, including digital or print photographs during any portion of the school day, or on buses, or at school related activities without the express authorization of appropriate school personnel;
  - iv. failing to comply with school rules related to cell phones and/or other electronic devices; or
- 2. engages in any of the following forms of academic misconduct:
  - a) missing or leaving school without permission; and/or
  - b) submitting another's work as your own (electronically or otherwise) and/or other Responsible Use Policy (RUP) violations;
  - c) plagiarism; and/or
- 3. engages in conduct violative of the Board's rules and regulations for the maintenance of public order on school property or at school events, e.g., vandalism or graffiti, arson, use of tobacco products/synthetic tobacco products/paraphernalia, theft, sexual misconduct, truancy, possession/use/sale/transfer or facilitation thereof of alcohol and/or drugs or drug paraphernalia, weapons and explosive devices. Further, a student shall not be under the influence of alcohol and/or drugs on school property or at school events.
- 4. trespassing; loitering.
- 5. is a "violent" pupil as defined above.
- 6. is "substantially disruptive" as defined in Educ. Law § 3214.
- 7. intimidates, bullies or defames others in word, action or dress;
  - i. bullying is generally the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, as defined by the Dignity for All Students Act.
- 8. harasses others on the basis 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 or other legally protected category.

9. makes an audio and/or video recording, including still digital or print photographs during any portion of the school day without the express authorization from appropriate school personnel; or fails to comply with school rules related to cell phones or other electronic devices.

c) Discipline for violations of the student discipline code shall be dependent on the nature of the violation and shall be progressive. This means that as a general rule, a student's first violation shall normally merit a lighter penalty than subsequent violations. However, such a rule may not be applicable in all contexts, for example when dealing with possession of a weapon or drug-related offenses. Disciplinary penalties may be imposed either alone or in combination. The Board of Education expects all staff members imposing disciplinary penalties to take into consideration all relevant factors in determining the appropriate penalty.

d) The range of penalties or consequences that may be imposed for violations of the student disciplinary code includes, but is not limited to, the following: verbal warning; written warning; written notification to parent(s) / person(s) of parental relations; probation; reprimand; detention; suspension from transportation; suspension from athletic participation; suspension from social or extracurricular activities; suspension of other privileges; exclusion from a particular class for a specified period of time; in-school suspension; and out-of-school suspension.

In addition, if a criminal offense has been committed such as pulling a false fire alarm, vandalism, or use and possession of weapons, the police shall be notified and the District will cooperate with authorities as to the filing and prosecution of criminal charges against the student as deemed necessary.

e) District-sponsored field trips are considered to be educational endeavors. Therefore, student exclusion from such trips will not be used as a response to student misconduct, except for any student, based on a review of disciplinary referrals, who is considered to be a threat to the health, safety, and welfare of other students. Other exclusions may be made at the discretion of building administration. Such exclusion will be at the discretion of the principal and the grade level team teachers. No exclusion will occur

without first reviewing concerns with the parent(s) / person(s) of parental relations of the student in question.

f) Alternatives

Counseling may not be required as a penalty in a student disciplinary proceeding. However, the Board supports counseling as an alternative/supplement to the imposition of a penalty, provided that the student may benefit from these services and such counseling is formally procured through the School Counseling Office.

In addition, voluntary or involuntary transfer, although not a penalty, may be considered in cases where a non-disabled student's behavior problems indicate the need for transfer and the non-disabled student would benefit from the transfer. A non-disabled student may be transferred only in accordance with Education Law section 3214(5).

g) Due Process Protections

The Board recognizes a student's right to a Superintendent's hearing before a suspension from attendance in excess of five days and the right to an appeal of such a suspension to the Board pursuant to Education Law 3214(3).

h) Alternative Instruction: When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction as prescribed by Education Law 3214.

**E. Disciplinary Measures to Be Taken in Incidents Involving the Possession or Use of Illegal Substances or Weapons, the Use of Physical Force, Vandalism, Violation of Another Student's Civil Rights and Threats of Violence.**

a) For any of the above violations, the range of penalties which may be imposed upon students (in accordance with Educ. Law § 3214, Part 100 of the Commissioner's Regulations, and this Code of Conduct) pursuant to the student disciplinary code include the following:

1. verbal warning
2. written notification to the parents / persons of parental relations
3. probation
4. counseling
4. reprimand

5. suspension from transportation
6. suspension from co-curricular/extra-curricular activities (including interscholastic sports)
7. suspension of other privileges
8. exclusion from a particular class
9. in-school suspension
10. out-of-school suspension
11. Superintendent's hearing
13. referral to appropriate authorities
14. drug testing (for incidents involving the use of illegal substances. Any testing would follow the requirements stipulated in Education Law 912-a, which includes parental consent.)

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive, e.g., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that an employee or agent take into account all other relevant factors in determining an appropriate penalty.

Once an out-of-school suspension is assigned, all privileges for co-curricular and extra-curricular activities are denied immediately. The District also reserves the right to suspend students for additional time from co-curricular and extra-curricular activities, as these are privileges. The above penalties may be imposed either alone or in combination.

#### **F. Procedures by Which Violations Are Reported, Determined, Discipline Measures Imposed and Discipline Measures Carried Out.**

a) The Board of Education believes that each student can be expected to be responsible for his/her own behavior. The school administration shall develop and disseminate rules of conduct, focusing on personal safety and respect for the rights and property of others to be consistently applied in the classrooms and through the schools. Students who fail to meet this expected degree of responsibility and violate school rules will be subject to appropriate disciplinary action and more regulated supervision.

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that is fair and impartial. Therefore, before seeking outside assistance, teachers will first use all their positive resources to create a change of behavior in the classroom.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

**G. Provisions Ensuring this Code and the Enforcement Thereof Are in Compliance with State and Federal Laws Relating to Students with Disabilities**

The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.

Accordingly, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform with the procedural safeguards required by applicable laws and regulations.

This policy incorporates by reference the Procedural Safeguards for Students with Disabilities Subject to Discipline set forth in Part 201 of the Regulations of the Commissioner of Education, which implement the procedural protections provided under New York's Education Law and which coordinate the state's general procedures for suspension of students with disabilities with the requirements of IDEA and its implementing regulations.

**H. Provisions Setting Forth the Procedures by Which Local Law Enforcement Agencies Shall Be Notified of Code Violations Which Constitute a Crime**

A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property. Administrators have the

responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

Referral to law enforcement and judicial authorities for Students with Disabilities  
In accordance with the provisions of IDEA and its implementing regulations, The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

**I. Provisions Setting Forth the Circumstances under and Procedures by Which Persons in Parental Relation to the Student Shall Be Notified of Code Violations.**

Notification of persons in parental relation of the fact that a code violation has occurred will be accomplished in accordance with the procedure for removal of disruptive students and the due process rights of students referenced above.

**J. Provisions Setting Forth the Circumstances under and Procedures by Which a Complaint in Criminal Court, a Juvenile Delinquency Petition or Person in Need of Supervision Petition as Defined in Articles Three and Seven of the Family Court Act Will Be Filed.**

The District will observe all applicable procedures under the Family Court Act for filing of PINS petitions, Juvenile Delinquency petitions and it will follow the appropriate sections of Penal Law and Criminal Procedure Law and other statutes for filing criminal complaints.

**K. Circumstances under and Procedures by Which Referral to Appropriate Human Service Agencies Shall Be Made.**

Referrals to appropriate home service agencies will be provided by both the Brewster Central School District and Putnam County. The list of agencies can be found on our website or can be made available by contacting any building principal or the Director of Pupil Personnel Services.

**L. A Minimum Suspension Period, for Students Who Repeatedly Are Substantially Disruptive of the Educational Process or Substantially Interfere with the Teacher's Authority over the Classroom, Provided That the Suspending Authority May Reduce Such**

**Period on a Case by Case Basis to Be Consistent with Any Other State and Federal Law. For Purposes of this Section, the Definition of “Repeatedly Are Substantially Disruptive” Shall Be Determined in Accordance with the Regulations of the Commissioner.**

Where a student engaged in conduct which would define that student as “repeatedly, substantially disruptive” (e.g., engaging in disruptive conduct requiring removal from classroom on four or more occasions during a semester), minimum suspension will be two days subject to modification on a case-by-case basis based upon the particular circumstances present.

**M. A Minimum Suspension Period for Acts That Would Qualify the Pupil to Be Defined as a Violent Pupil Pursuant to Paragraph “a” of Subdivision 2-a of § 3214 of the Education Law, Provided That the Suspending Authority May Reduce Such Period on a Case by Case Basis to Be Consistent with Any Other State and Federal Law.**

Where a student engaged in conduct which would define that student as “violent” (e.g., engaging in violent conduct requiring removal from classroom on four or more occasions during a semester), minimum suspension will be three days subject to modification on a case-by-case basis based upon the particular circumstances present.

**N. Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management;**

The Board will sponsor an in-service education program for all District employees. Employees will also be required to annually complete mandated training.

**O. Provision prohibiting retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any liability that may arise from

making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.