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## Appendix

# Glens Falls City School District Elementary School Code Of Conduct

*This Code is in compliance with the requirements of the Dignity for All Students Act, enacted July 1, 2012, and Project SAVE Legislation, Education Law 2801, and section 100.2 of the Commissioner's regulations, enacted July 1, 2001. Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.*

## I. INTRODUCTION

The mission of the Glens Falls City School District is to provide a safe, positive and stimulating environment . . . one that fosters self-growth, a passion for continuous learning, confidence and the ability to succeed in a changing world.

We promote excellence through high expectations and evolving standards for students, staff, parents and community. The challenge is to reach personal best while respecting each person's individuality.

We make it our responsibility to be accountable for the implementation of this mission and to model behaviors that are influential to the characters as well as the mind.

The Glens Falls Board of Education, the administration and staff recognize that the enrichment and, in fact, the very survival of any group come about only as its individual members practice self-discipline and demonstrate behavior which does not infringe or intrude on basic rights and freedoms of others. Responsible exercise of individual freedoms means respect for the democratic process and for the rights of all. Only in any atmosphere of mutual respect, self-restraint, civility and trust among all, can these freedoms flourish.

The administration and staff are committed to the task of school management in a manner consistent with the legal and moral rights of all, but will neither tolerate nor condone actions or conduct in violation of this "Code of Conduct." In setting forth the following Code, nothing contained herein is intended, nor shall be construed, to limit or restrict freedom of speech, nor peaceful assembly, nor any constitutional or legal individual right.

The Code shall not prevent or limit communication between and among students or relieve the Glens Falls City Schools of its special responsibility for self-regulation in the preservation of public order. The Code does not prevent or restrain controversy and dissent. However, the Code does prevent abuse of individuals and, therefore, maintains the stable environment appropriate to a public school.

## II. DEFINITIONS

For the purpose of this Code, the following definitions apply:

**"Disruptive Student"** means an elementary student who substantially interferes with the educational process or who endangers the well-being of himself or others.

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

**"School property"** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary school, or in or on a school

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bus, as defined in Vehicle and Traffic Law 142.

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

**“Weapon”** includes all types of objects that can cause serious injury or death and thereby endanger student safety.

**“Time-Out”** is considered that period of time when a teacher employs informal strategies to refocus a student towards positive behavior (less than one class period).

**“Removal”** is a formal procedure whereby a student is removed from a classroom due to disruptive behavior for a class period or longer, not to exceed three consecutive calendar days.

**“Suspension”** is defined as 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 of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

### **III. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

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

1. Students have the right to education, the right to be treated with dignity and respect, and the right to be free of endangerment, harassment, intimidation, fear and discrimination.
2. Students have the right to express their opinions and beliefs as long as they do not interfere with school activities or the rights of others.
3. Students have the right to participate in any organization, according to the established criteria, and take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender, weight, ethnic group, religious practices, sexual orientation, or disability.
4. Students have the right of due process.
5. Students have the right to reasonable cause before a search is conducted or personal property seized.
6. Students have the right to confidentiality of records and student’s information according to school policy and the Federal Family Education Rights and Privacy Act.
7. Students have the right to be free of physical force imposed for the purpose of punishment.
8. Students have the right to an appropriate educational program and access to all of the schools support services based on individual needs.
9. Students have the right to an intimidation and harassment free environment while at school or a school sponsored function.

#### **B. Student Responsibilities**

All elementary students have the responsibility to:

1. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.

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3. Attend school every day unless they are legally excused and be in class, on time, and prepared.
  4. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
  5. Work to develop mechanisms to control their behavior.
  6. Support the maintenance of a safe environment by demonstrating a sensitivity to the rights of others and by protecting and respecting school property.
  7. Use accurate information and appropriate language in written and verbal communications.
  8. Conduct themselves as representatives of the district when participating or attending school sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
  9. Accept responsibility for their actions.

#### **IV. ESSENTIAL PARTNERS**

##### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

##### **B. Teachers/Professional Staff**

All teachers and professional staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared for duties.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.

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5. Communicate to students and parents:
    - a. Course objectives and requirements
    - b. Marking/grading procedures
    - c. Assignment deadlines
    - d. Expectations for students
    - e. Classroom discipline plan
  6. Communicate regularly with students, parents and other teachers and professional staff concerning growth and achievement.
  7. See 5D

### **C. Support Staff**

All district support staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students self-concept and promote confidence to learn.
2. Be prepared for duties.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students, parents and other teachers and professional staff concerning growth and achievement.

### **D. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
5. Respond to all complaints of discrimination and harassment against students by employees or other students on school property (during school hours) or at school sponsored functions.

### **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable school dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

1. For safety reasons, shoes or sneakers are required and should be worn at all times. Flip-flops, exceptionally high heels and loose fitting shoes should not be worn.
2. During the cold and snow season, children should have coats, snow pants or snowsuits, hats, mittens/gloves, and boots every day to be prepared for outside recess.
3. The wearing of hats and bandanas in the classroom should not be permitted except for medical or religious reasons.
4. Clothing cannot promote alcohol, tobacco, or illegal drugs.
5. Attire should not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender or disability.

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

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Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including suspension for the day.

## **VI. SCHOOL BEHAVIOR**

The school is a learning center. In order to promote a safe, quiet, nurturing environment, the following behaviors should be practiced:

### **A. General Behavior**

1. Walk in the halls quietly. Keep your hands to yourself.
2. Remain in your classroom unless your teacher excuses you.
3. Use appropriate language in school, on the playground, and on the bus.
4. Take care of school property
5. Respect the rights and feelings of others.
6. Address adults respectfully using Mr., Mrs., Miss or Ms.
7. Follow the directions of any supervising adult.

### **B. Lunch Room Behavior**

1. Use responsible table manners.
2. Do not throw food.
3. Talk quietly during lunch. When lights are off, be ready to listen.
4. Remain seated when requested by the supervising adults.
5. Clean up after eating and throw your trash away. (You will be expected to leave your eating area as you found it.)
6. Be courteous and respectful to those in charge.
7. Pay back borrowed money promptly.

### **C. Playground/Recess Behavior**

1. Play games that are safe, and use the playground equipment in a safe manner.  
**(NO CONTACT SPORTS!)**
2. Use appropriate language and use good sportsmanship.
3. Avoid rough play. (Fighting, at any time, is not allowed.)
4. Follow directions and stay in the designated playground area.
5. Be prepared - everyone will be expected to participate in outdoor recess.

### **D. Assembly Behavior**

1. Enter the auditorium in an orderly manner and sit quietly.
2. Listen politely to the performance and speakers.
3. Clap politely to show appreciation - **DO NOT** stamp your feet, "Boo," whistle and the like.
4. Leave in an orderly manner, as directed by the supervising adult.

### **E. Field Trip Behavior**

1. Be courteous and respectful to others enroute to the vehicles.
2. Remain in your seat while the vehicle is in motion, and talk quietly.
3. Keep the vehicle clean.
4. Listen carefully to the supervising adult(s) and follow their instructions.
5. Be a good citizen when representing the Glens Falls City School District.

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## VII. REPORTING VIOLATIONS

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

All district staff who are authorized to impose disciplinary sanction are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanction are expected to refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or his 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 principal or his designee learns of the violation.

## VIII . DISCIPLINARY CONSEQUENCES AND PROCEDURES

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

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

### A. Consequences and Procedures

Students who are found to have violated the district's Code of Conduct may be subject to:

1. Oral or written warning either alone or in combination.
2. Parent notification.
3. Time-Out (with principal involvement warrants parent notification by teacher on designated form).
4. Removal - The teacher must complete a district-established removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or the designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the

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last known address of the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parent.

If the parent requests an informal conference, the principal and the teacher who ordered the removal will attend. If, at the informal meeting, the student denies the charges, the principal or the principal's designees must explain why the student was removed and give the student and the student's parent a chance to present the student's version of the relevant events. The informal meeting must be held on or before the second school day following the removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

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

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

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

5. Suspension - Any staff may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared, as soon as possible, by the staff member recommending the suspension.

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

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent. Where possible, notice should also be provided with a telephone number(s) for the purpose of contacting the parent.

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The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. Both the notice and the 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 principal may establish.

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

After the conference, the principal shall promptly advise the parent of his or her decision. The principal shall advise the parent that if he or she is not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parent is not satisfied with the superintendent's decision, he or she must file a written appeal to the Board of Education, with the district clerk, within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parent can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

## **IX. ALTERNATIVE INSTRUCTION**

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

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## X. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

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

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

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

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative education setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IEAS” 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. This enables the student to continue to progress in the general curriculum, although in another setting. The student will continue to receive services and modifications as described in the student’s current individualized education program (IEP). The student will also receive services and modifications to address the behavior precipitating the IAES placement. These services and modifications are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current education placement as follows:

- a. The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The superintendent may order the placement of a student with a disability into an IAES, or suspension for up to 10 consecutive school days (inclusive of any period in which the student has been suspended or removed for the same behavior), if the superintendent determines that the student has engaged in behavior that warrants a suspension. This suspension or removal will not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possess or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. S930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except . . . (for) a pocket knife with a blade of less than 2 1/2 inches in length."
2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

A. for more than 10 consecutive school days; or

B. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the 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.

a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability for discipline purposes.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability, or

2. Determined that an evaluation was not necessary and provided notice to the parent of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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However, if a request for an individual evaluation is made while such a nondisabled 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 district, which can include suspension.

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

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parent 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.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities, other than a suspension or placement in an IAES, shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive 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.

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

### **C. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings 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, including but not limited to, any decision to place the student in an IAES.

1. During the dependency of any 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 district agree otherwise.

2. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
3. 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 district 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

#### **D. Referral to Law Enforcement and Judicial Authorities**

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

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

#### **XI. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in certain situations, alternative procedures and methods that do not involve the use of physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with commissioner's regulations.

#### **XII. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere, on school property and at school functions, that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda" - type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may search a student or the student's belongings that is minimally intrusive,

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such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

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

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

### **A. Student Lockers, Desk, 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, desk 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, desk 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. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

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## C. Child Protective Services Investigations

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

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

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

## XIII. VISITORS TO THE SCHOOLS

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

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

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## **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

### **A. Prohibited Conduct**

No person, either alone or with others shall:

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

### **B. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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



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