

CODE OF CONDUCT

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CHITTENANGO CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

I. INTRODUCTION:

The Board of Education, in order to provide a safe and orderly learning environment, establishes a Code of Conduct for students, school personnel, parents and visitors when on school property or when attending a school function. This Code includes the District's efforts to implement an anti-bullying program and efforts to address discrimination and harassment.

II. DEFINITIONS:

The following definitions apply to this Code:

- **“Alcohol and other Substance Use/Abuse”** means possession, distribution, consumption, being under the influence, or sale of Illegal Substances, look-a-likes, alcoholic beverages, drug paraphernalia, prescribed medication or non-prescription or over-the-counter medication (other than in accordance with school procedures through the nurse's office) on school property, on a school vehicle or at a school function.
- **“Bullying”** - see **Harassment/Bullying**.
- **“Color”** means the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- **“Cyberbullying”** means “harassment or bullying”, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying may occur via electronic communication on the Internet, on cellular phones or via other electronic media. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar or threatening messages or images; posting sensitive, private information about another person; and pretending to be someone else in order to make that person look bad. Cyberbullying involving District students may occur on or off school property. It may involve the use of the District internet system, or student use of personal digital devices including, but not limited to cell phones, digital cameras, personal computers and electronic tools. Cyberbullying could have the effect of: causing physical, social/relational, emotional or mental harm to a student; placing a student in reasonable fear of physical, emotional or mental harm; placing a student in reasonable fear of damage to, or loss of, personal property; and/or interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in an educational program.
- **“Dignity Act Coordinator”** means an individual designated by the District to perform the function set forth in Section IV pursuant to the Dignity for All Students Act.
- **“Disability”** means: (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment. See Education Law §11(4) and Executive Law §292(21).

- **“Discrimination”** means discrimination against any student by a student or students and/or employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class.
- A **“Disruptive Student”** is one who substantially disrupts the educational process or interferes with the teacher’s authority over the classroom.
- **“Emotional harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- An **“Employee”** is any person receiving compensation from the District or employee of a contracted service provider or worker placed within the District under a public assistance employment program, pursuant to title nine-B of article five of the New York State Social Services Law, and consistent with the provisions of such title, for the provision of services to the District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. See Education Law §§11(4) and 1125(3).
- **“Ethnic Group”** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.
- **“Firearm”** as defined in 18 U.S.C. § 921 for the purposes of the Gun Free Schools Act means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.
- **“Gender”** means a person’s actual or perceived sex and shall include a person’s gender identity or expression. See Education Law §11(6).
- **“Gender Identity and Expression”** means the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual’s sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal, and is not necessarily visible to others.
- **“Harassment”** and **“Bullying”** mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in this Code and under Education Law §11(8), that either (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:
 - (a) On school property;
 - (b) At a school function;
 - (c) Off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status. This is not an exhaustive list.

For the purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

- **“Hazing”** is a form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student’s willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:
 - (a) Humiliation: socially offensive, isolating or uncooperative behaviors;
 - (b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
 - (c) Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.

The term “hazing” includes, but is not limited to: any activity that intimidates or threatens a student with ostracism, or adversely affects the health or safety of the student; or any activity that cause or requires the student to perform a task or act that is a violation of state or federal law or District policies/regulations.

- **“Illegal substances”** include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-a-likes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs, or any product which, when misused, will result in an impaired or altered state, when possession is unauthorized, or such are inappropriately used or shared with others.
- **“Material Incident of Harassment, Bullying and/or Discrimination”** means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property. A Material Incident of harassment, bullying and/or discrimination is the subject of a written or oral complaint to the District Superintendent, principal or their designee, or other school employees. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
- **“National Origin”** means a person’s country of birth or their ancestor’s country of birth.
- **“Parent”** means the biological, adoptive or foster parent, guardian or person in parental relation to the student.
- **“Race”** means a description of a geographically local or global human population group distinguished as a more or less distinct group by genetically transmitted physical characteristics.
- **“Religion”** means either religious or spiritual belief or preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.
- **“Religious Practice”** means attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities. Determining whether a practice is religious turns not on the nature of the activity, but on the person’s motivation.
- **“School bus”** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and

operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. See Education Law §(1) and Vehicle and Traffic Law §142.

- **“School Function”** means any District-sponsored extra-curricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including but not limited to off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. See Education Law §11(2).
- **“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 the District; or in or on a school bus. See Education Law §11(1).
- **“Sex”** means the biological and physiological characteristics that define men and women.
- **“Sexual Orientation”** shall mean actual or perceived heterosexuality, homosexuality or bisexuality. See Education Law §11(5).
- **“Tobacco Product”** means any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, e-cigarette or other vaping and/or nicotine containing device, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.
- **“Under the Influence”** means if a student has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.
- A **“Violent Student”** is one who, while on school property or at a school function: (1) commits an act of violence upon another student, teacher, administrator, other District employee or other person on school property, or at a school function; (2) Possesses, displays, or threatens to use a weapon or what appears to be a weapon, as defined in this Code; and/or (3) Knowingly and intentionally damages or destroys school property or the property of a teacher, administrator, other District employee or any person lawfully on school property or at a school function.
- A **“Weapon”** means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, pocket knife, penknife, or other knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, look alike fake weapons or other device, instrument, material or substance (“Other Item”) that can cause physical injury or death when used to cause physical injury or death, or when such Other Item is brandished as a weapon.
- **“Weight”** means reference to a person’s size.

III. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES:

A. Student Rights

All Students have the right to:

1. A safe, healthy, and orderly learning environment. A student’s right to a safe, healthy and orderly learning environment includes the right to learn in an environment free from interruption, harassment, discrimination and intimidation and fear based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class.

2. Constructive discipline for the development of good character, conduct, and habits, including the right to due process.
3. Be free from bullying, discrimination, harassment and retaliation on school property or school functions including but not limited to the educational program, activities, or admission policies of their school. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, gender (including gender identity and expression) or any other legally protected status
4. To receive an explanation of the rules in the Code of Conduct.

B. Student Responsibilities

All Students have a responsibility to:

1. Obey the District's rules.
2. Attend school regularly and punctually.
3. Work to the best of their ability.
4. Show respect for fellow students, teachers, and all school District staff.
5. Respect public, private, and school property.
6. Comply with the reasonable requests of teachers, administrators and other District employees.
7. Inform an adult in the school about any threat to safety within the school environment.
8. Treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class.

IV. RESPONSIBILITIES OF ESSENTIAL PARTNERS:

Parents or persons in parental relation, teachers, school counselors, principals/administrators, the Superintendent, and the Board of Education, in each of their respective roles, are expected to support the children of the District by ensuring that there is a safe and orderly environment allowing students to reach their highest possible level of achievement.

The Dignity for All Students Act (the "Dignity Act") emphasizes the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the District community, including essential partners such as the Superintendent, Board members, parents and persons in parental relation, students, teachers, school counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in its implementation.

Teachers, counselors, principals/administrators, the Superintendent and the Board of Education shall maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected class. Teachers, counselors, principals/administrators, the Superintendent and the Board of Education must confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or

physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. They must address personal biases that may prevent equal treatment of all students in the school or classroom setting. They must also report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

The Board shall annually appoint Dignity Act Coordinators, who will be responsible for assisting in coordinating and enforcing the requirements of the Dignity Act and its related policies and regulations at each school building, including, but not limited to: professional development of staff members; the complaint process; and support of the Dignity Act's civility curriculum components. The Dignity Act Coordinators are available to speak with any person who has witnessed possible discrimination, harassment, bullying or retaliatory conduct, or with anyone who has experienced treatment that may be prohibited discrimination, harassment, bullying or retaliatory conduct. The District's Dignity Act Coordinators are:

Nicholas Fersch, High School Principal; (315) 687-2900

Arnie Merola, Middle School Principal; (315) 687-2800

Renee Burgess, Bolivar Road Elementary Principal; (315) 687-2880

Jamie Durgey, Bridgeport Elementary Principal; (315) 687-2280

V. **STUDENT DRESS CODE:**

The purpose of the student Dress Code is to foster an environment that is sanitary, safe and conducive to teaching, learning, student growth and achievement and to promote the values of self-respect and respect for others. The District respects the individual right of expression; however, there must be a sense of decorum in an effective learning environment. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and parents are responsible for appropriate student dress and appearance as delineated in the Dress Code. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following are Dress Code requirements:

- A student's dress, grooming and appearance, including jewelry, make-up and nails, shall be safe, appropriate and not disrupt or interfere with the educational process.
- Hats, sunglasses or other head gear, except for medical or religious purposes, are not allowed to be worn during school hours.
- Appropriate footwear must be worn at all times.
- Any undergarment including underwear is to be completely covered with outer clothing at all times.
- Exposure of the midriff, lower abdominal area, gluteal area, or chest is not permitted. In addition, students may not wear clothing through which these areas of the body are visible and/or through which undergarments are visible.
- Shorts and skirts, whether stocking or leggings are also worn, must be appropriate in length.
- Student attire may not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

- Student attire may not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, violent or sexual activities; including messages that are innuendos or have double meanings.
- All chains not considered as jewelry may not be worn during the school day.
- Long trench coats, heavy winter coats, bath robes, etc. are not allowed and must be secured in the student's hall locker.
- A student's Physical Education attire must comply with Dress Code requirements.
- Dress at evening events should also comply with Dress Code requirements.

Students determined to be in violation of the Dress Code shall be required to make appropriate modifications to 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 comply with a request from an administrator or staff member to comply with the Dress Code will be considered insubordinate and will be subject to appropriate disciplinary action, up to and including out-of-school suspension.

Any student who repeatedly fails to adhere to the Dress Code shall be subject to further discipline, up to and including out of school suspension. The school administration shall be responsible for informing students, parents and staff of the Dress Code during the school year. All District staff will be responsible for enforcing the Dress Code.

VI. REPORTING VIOLATIONS OF THE CODE OF CONDUCT:

- A. Any student observing prohibited student conduct should report the violation to a teacher or other school official. District administrators shall be responsible for promptly notifying local law enforcement agencies of code violations, including but not limited to incidents of harassment, bullying and/or discrimination, when it is believed to constitute a crime.
- B. Reporting requirements specific to harassment, bullying, cyberbullying, discrimination and retaliation:
 1. The District will act promptly to investigate all complaints, verbal or written, formal or informal, of allegations of harassment, bullying, cyberbullying, discrimination or retaliation, and will promptly take appropriate action to protect individuals from further harassment, bullying, cyberbullying, discrimination or retaliation.
 2. It is essential that any student who believes that he/she has been subjected to harassment, bullying, cyberbullying, discrimination or retaliation, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report the same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects harassment, bullying, cyberbullying, discrimination or retaliation) shall document and take appropriate action to address the situation immediately and shall promptly report such conduct in accordance with the following paragraphs.
 3. The appropriate building principal is the employee charged with receiving all reports of harassment, bullying, cyberbullying, discrimination or retaliation, however, students and parents may make an oral or written complaint of harassment, bullying, cyberbullying, discrimination or retaliation to any teacher, administrator or school employee. In the event that the principal was the alleged offender, the report shall be directed to the Superintendent.

4. All complaints of harassment, bullying, cyberbullying, discrimination or retaliation shall be: (i) promptly investigated in accordance with the terms of this Code; (ii) forwarded to the building Dignity Act Coordinator for monitoring; and (iii) treated as confidential and private to the extent possible within legal constraints.
5. Upon receipt of a complaint, even an anonymous complaint, or if an employee otherwise learns of any occurrence of possible conduct prohibited by this Code, the employee shall promptly and orally notify the appropriate building principal no later than one school day after such employee witnesses or receives the complaint or learns of such conduct. The employee shall also file a written report with the appropriate building Dignity Act Coordinator no later than two school days after making such oral report.
6. After receipt of such complaint, the appropriate building principal or his/her designee shall lead or supervise a thorough investigation of the alleged harassment, bullying, cyberbullying, discrimination or retaliation. The appropriate building principal or that person's designee shall ensure that the investigation is completed promptly and in accordance with the terms of this Code. All complaints shall be treated as confidential and private to the extent possible within legal constraints.
7. Based upon the results of the investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated this Code, or a Material Incident of harassment, bullying, cyberbullying, discrimination or retaliation occurred, immediate corrective action will be taken as warranted. The District will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.
8. As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.
9. Remedial responses to harassment, bullying and/or discrimination may be utilized. Such responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures utilized by the District may include, but are not limited to:
 - i. peer support groups;
 - ii. assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
 - iii. corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;

- iv. supportive intervention and/or mediation where constructive conflict resolution is modeled behavioral assessment or evaluation;
 - v. behavioral management plans or behavior contracts, with benchmarks that are closely monitored; and
 - vi. student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.
10. The building principals shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, cyberbullying, discrimination and retaliation to the Superintendent.

C. Prohibition on Retaliation. Any person having reasonable cause to suspect that a student has been subjected to discrimination, harassment or bullying by an employee or a student, on school property or at a school function, who acting reasonably and in good faith, either reports such information to school officials, the Commissioner of Education, or to law enforcement authorities, or otherwise initiates, participates in, or assists in any formal or informal proceedings in connection with an investigation of alleged violation(s) of this Code, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating in, or assisting in, such formal or informal proceedings. Relatedly, neither the District, nor any employee or student thereof, shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.

VII. PROHIBITED STUDENT CONDUCT, DISCIPLINARY PROCEDURES AND PENALTIES:

A. General Statement.

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action as appropriate and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Disciplinary action will be fair, consistent and impartial, so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following: (1) the student's age; (2) the nature of the offense and the circumstances which led to the offense; (3) the student's prior disciplinary record; (4) the effectiveness of other forms of discipline; (5) information from parents, teachers and/or others, as appropriate; and (6) other extenuating circumstances.

B. Potential Penalties: Although not all-inclusive, the following list of offenses on school property or at a school function may result in disciplinary action, the typical range of which is further described below. Students who are found to have violated the District’s Code of Conduct will generally be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student’s right to due process.

RANGE OF CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES		
Category I	Category II	Category III
<ul style="list-style-type: none"> • Warning/verbal reprimand (any member of the District Staff) • Time Out (any member of the District staff) • Written Warning (any member of the District staff) • Written notification to parent (transportation supervisor, director of athletics, dean of students, coaches, School counselors, teachers, teacher assistants, assistant principal, principal, Superintendent) • Detention (teachers, teacher assistants, dean of students, assistant principal, principal, transportation supervisor, Superintendent) • Suspension from transportation (transportation supervisor, director of athletics, dean of students, assistant principal, principal, Superintendent) • Suspension from athletic participation (coaches, director of athletics, assistant principal, principal, Superintendent) • Suspension from social or extracurricular activities (activity director, director of athletics, assistant principal, principal, 	<ul style="list-style-type: none"> • Temporary removal from classroom (teachers, dean of students, assistant principal, principal, principal’s designee) • In-School Suspension (dean of students, assistant principal, principal, superintendent) • Out of School Short-term Suspension (5 days or less) (principal, Superintendent, Board of Education) • Police notification (principal, Superintendent) • Removal from school property (principal, Superintendent) 	<ul style="list-style-type: none"> • Alternative placement (principal, Superintendent) • Superintendent’s Hearing (principal referral, Superintendent) • Long-term Out of School Suspension (more than 5 days) (subject to Superintendent’s Hearing) • Permanent Suspension from School/Expulsion (Superintendent, Board of Education)

Superintendent) • Suspension of other privileges (transportation supervisor, director of athletics, assistant principal, principal, Superintendent)		
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OFFENSES AND CONSEQUENCES		
Offense	Definition	Range of Consequences
Absence (Unlawful)	An absence for a day or any portion of a day for any reason other than those cited as lawful (as listed in the Student Handbook) and/or failure to bring a note by a parent/person in parental relation to verify a lawful absence.	I – II
Alcohol and Other Substance Use/Abuse	Possession, distribution, sale, consumption, or being under the influence of Illegal Substances (as defined in this Code), look-alikes, alcoholic beverages or drug paraphernalia, prescribed medication or non-prescription or over-the-counter medication (other than in accordance with school procedures through the nurse’s office), on school property, at a school function, on a school bus, or in a school vehicle. Possession will be presumed if Illegal Substance(s), alcoholic beverage(s) or drug paraphernalia are found in an area of control by the student (i.e. backpack, automobile, personal belongings).	II - III
Arson/fire	Attempting to, aiding in, or setting fire to a building or other property.	II - III

Bus Misbehavior	Any violation of bus behavior rules (as listed in the Student Handbook).	I- II
Cheating/Academic Dishonesty	Copying, plagiarizing, altering records, or assisting another in such actions.	I- III
Computer/ Electronic Communication Misuse	Any unauthorized use of computers, software, or internet/intranet account; unauthorized access to internet/intranet, another's e-mail, or an inappropriate website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices; unauthorized taping (audio/video), filming or photographing; or any violation of the District's Acceptable Use Policy.	I -III
Cutting class	Unauthorized absence from a class or school activity.	I-II
Cyberbullying	Harassment or bullying, as defined in this Code, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying includes the use of information technology, including, but not limited to e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to harass, threaten, isolate or intimidate others. (Education Law §11[8]).	I- III
Defamation	False or unprivileged statement or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group.	I -II
Destruction of Property/ Vandalism	Damage, destruction, or defacement (graffiti) of property belonging to another or the school.	II-III
Discrimination	Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity and expression), sex or any other legally protected status.	
Disrespect Toward	Inappropriate comment or physical gesture to a	I -II

Others	student, teacher, staff member, or other adult.	
Disorderly Conduct	Behavior that disturbs the atmosphere or order, to include obstructing or restraining the authorized or lawful movement or participation of another.	I-II
Disruption – Classroom	Behavior that is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.	I -III
Disruption – School	Behavior that interferes with the safe and orderly environment of the school or school activity.	I-III
Dress Code	Violation of dress code and/or refusal to modify appearance in order to comply with dress code.	I-II
Driving/ Parking Violations	Failure to obey all state, District, and campus traffic and parking signs and rules.	I-III
Failure to Serve Assigned Consequences	Failure to serve detention, Saturday detention, suspension or other assigned consequences.	I-II
False Alarms/Bomb Threats/Tampering with Emergency Equipment	Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; or tampering with or removing from its compartment an automated external defibrillator (AED) in a non-emergent situation.	II-III
Fighting	A hostile confrontation with physical contact involving two or more students.	II-III
Fireworks or Explosives	Possession, use, and/or threat to use a firework, smoke bomb, flare, or combustible or explosive substance.	II-III
Firearm	Possession of a firearm, as defined in this Code.	II-III
Gambling	Wagering money or property.	I-II
Harassment and/or Bullying	The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be	I-III

	<p>expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:</p> <ul style="list-style-type: none"> a. on school property; and/or b. at a school function; or c. off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. <p>Such conduct shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.</p> <p>For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. “Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (Education Law §11[7]).</p>	
Hazing	Engaging in any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate.	I-III
Indecent Exposure	Exposing the private parts of the body in a lewd or indecent manner.	I- III
Insubordination	Refusing to follow reasonable requests of teachers, staff, or administration, including failure to identify self or knowingly providing false information.	I -III
Leaving school grounds without permission	Leaving school grounds during regular school hours without written or verbal permission from parent/person in parental relation or administrator.	I -II

Loitering	Idle presence in an area without authorization.	I -II
Physical Attack on Staff, Students/Others	Assault, or aggressive physical action, directed at students, staff, or others, including a situation where a staff member is intervening in a fight or other disruptive activity.	II- III
Possession and/or use of Disruptive Items	Unauthorized possession and/or use of a sound box, laser pointer, squirt gun, water balloon, personal audio device, or any other disruptive item.	I- II
Possession and/or Use of Portable Electronic Communication or Recording Devices	Unauthorized possession and/or use of pager, cellular phone, camera, video device or audio recording device.	I-II
Possession and/or Use of Skate boards, Roller blades and Scooters	Unauthorized use or unauthorized possession of a skateboard, scooter, roller blades on school property.	I- II
Profanity	Using vulgar or abusive language, cursing or swearing.	I-II
Refusal to Submit to Alcohol/Drug Test	Refusing to take a saliva-based drug test, AlcoSensor test, or Breathalyzer test, or refusing to permit a staff member to smell breath.	I-III
Retaliation	When an employee, student, or visitor mistreats any person because he/she reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying; including but not limited to any form of intimidation, reprisal or harassment.	I-III
Sexting	Sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message, email or other electronic/digital means.	I- III
Sexual Harassment	Unwanted and inappropriate verbal, written, or physical conduct of a sexual nature directed toward another person.	I -III
Tardiness	Lateness to school or class.	I-II
Theft	Taking or obtaining property of another without permission of the owner, including possession of stolen property and attempted theft.	II-III

Threat to Staff, Student or Other Person	Expression, conveyed by word or action, of intent to abuse, intimidate, coerce, or injure a staff member, student, or other person.	I -III
Tobacco Violation	Possession, distribution or use of any Tobacco Product, as defined in this Code; this prohibition includes violations on school property, at a school function, on a school bus, or in a school vehicle.	I -III
Trespassing	Unauthorized presence on school property, including while on suspension.	I-II
Truancy	Unlawful absence without parental knowledge and/or permission.	I- II
Violation of Civil Rights	Violation of another student's civil rights	I-III
Weapon Possession	Possession of a Weapon, as defined in this Code.	II- III

C. Explanation of Potential Penalties. Students who are found to have violated this Code may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process. The listed sanctions are advisory and, as a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, District personnel may impose any level of discipline, even for the first violation, that is proportionate to the misconduct at issue.

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

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. When any suspensions occur and the school is closed on the suspension dates, then the suspension(s) will carry over to the next attendance day. These additional rights are explained below. When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide for continued educational programming and activities, including alternative means of instruction for the student.

1. Detention

Teachers, dean of student, assistant principals, principals and the Superintendent may use school detention as a consequence for student misconduct in situations where

removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a consequence only after the student's Parent or person in parental relation has been notified to confirm that the student has appropriate transportation home following detention.

2. Suspension from transportation

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent or person in parental relation will be provided with a reasonable opportunity for an informal conference with the District official imposing the discipline to discuss the conduct and the consequence involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent or person in parental relation will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the consequence involved.

4. In-school suspension

The Board recognizes that school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals, or assistant principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension."

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

5. Teacher disciplinary removal of disruptive students

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

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal 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 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 prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the teacher and the principal must notify the student's parents, via telephone or email, that the student has been removed from class and why. The principal will verify the teacher notification by calling the parent and reminding them of the opportunity for an informal hearing at school with all parties involved. This will be followed by a written notice, sent within 24 hours, to inform parents of their right, upon request, to meet informally with the principal to discuss the reasons for the removal. The principal may require the teacher who

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

The principal or the acting principal may overturn the removal of the student from class if the principal finds any one of the following: (1) the charges against the student are not supported by substantial evidence; (2) the student's removal is otherwise in violation of law; (3) the conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed.

The principal 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 pursuant to Education Law § 3214(3-a)(c), or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be provided 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. Copies of such logs shall be provided weekly to the building principal.

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

The principal may, in his/her discretion, designate a District administrator to carry out his/her functions for student removal.

6. Suspension from school

Suspension from school is a 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. Students suspended from school are prohibited from being on school property and from attending or participating in any school function on or off school property. The consequence in terms of suspension is subject to the Superintendent's review for extenuating circumstances. The Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the principals.

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

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

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

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

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. Notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the suspending authority, where the parents, upon request, shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority may establish. The notice and opportunity for an informal conference shall be provided prior to the suspension unless the student’s continuing presence in the school poses a continuing danger to persons or property, or there is an ongoing threat of disruption. Where the student’s continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption, the student may be immediately suspended and the notice and informal conference shall be afforded as soon as reasonably practicable. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

If the informal conference is requested, it will be scheduled at the earliest convenience of the school official.

After the conference, the suspending authority shall promptly advise the parents of his or her decision, which may be in writing. The suspending authority shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 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 parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent’s decision,

unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

When the Superintendent, or his/her designee, determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. This written notice shall provide the time, date and location of the hearing, the conduct with which the student is being charged, and the student's rights at the hearing, which include 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, and the right to make any statement on the student's own behalf concerning the alleged incident. When the Board of Education determines to conduct the fair hearing itself, it must provide the required notice of hearing.

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. An audio 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, which 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 30 calendar days of the date of the Superintendent's decision, unless the parents 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 of Education within 30 days of the Board's decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances including, but not limited to, where a student's conduct demonstrates a reckless disregard for the health, safety and welfare of others and/or 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.

D. Minimum Suspension Periods

1. Students Who Bring A Weapon To School

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- i. The student's age.
- ii. The student's grade in school.
- iii. The student's prior disciplinary record.
- iv. The superintendent's belief that other forms of discipline may be more effective.
- v. Input from parents, teachers and/or others.
- vi. Other extenuating circumstances.

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

2. Students Who Commit Violent Acts (other than bringing a weapon to school)

Any student, other than a student with a disability, who is found to have committed a violent act (other than bringing a weapon to school) shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal/superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent/principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

3. Students Who Are Repeatedly Substantially Disruptive To The Educational Process

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal/superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent/principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

In addition, there may be an occasion when it will be appropriate to refer a student to a school counselor or psychologist who in turn may refer a student (and parent) to appropriate human services organizations outside the school.

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

E. Additional avenues for disciplinary concerns

1. Counseling – The school counselors shall handle all referrals of students for counseling and determine if further intervention(s) are necessary.
2. Preventive Services – When circumstances necessitate, the School Counselor or Psychologist may make referrals for students and/or their family members to appropriate human service agencies in the community.
3. PINS Diversion – The District may file a PINS (person in need of supervision) petition in Family Court, following the family court guidelines, on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
 - i. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
 - ii. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; and/or
 - iii. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
4. Juvenile Delinquents and Juvenile Offenders – In accordance with Education Law Section 3214(3)(d), the Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- i. Any student under the age of 16 who is found to have brought a weapon, as defined in 18 U.S.C. § 930(g)(2), (meaning 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 that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) or firearm, as defined in 18 U.S.C. § 921, to school; or
- ii. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

VIII. ALTERNATIVE INSTRUCTION:

School-age students removed from class by a teacher will have materials and assignments provided by the teacher. When a compulsory school-age student is suspended from school pursuant to Education Law Section 3214, the District will provide alternative instruction and classroom materials for the student.

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

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

A “**removal**” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES).

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the District (BOCES) Superintendent, Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The 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 to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if: (i) the student carries or possesses a weapon to or at school, school premises or a school function; (ii) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or (iii) the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

“Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”

“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.

“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.

“**Serious bodily injury**” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if the hearing officer determines that the school District has demonstrated by substantial evidence that maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year 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, 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, or serious bodily injury.

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

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

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action within 10 school days of a decision is being made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) the parent of the student has refused services; or
 - 3) the parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner's 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.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

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

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the 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 a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive 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.

D. Expedited Due Process Hearings

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

- a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings 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.
 - i) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
 - ii) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall 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.

E. Referral to law enforcement and judicial authorities

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

1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall provide copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported, to the extent consistent with the Federal Educational Rights and Privacy Act.

X. CORPORAL PUNISHMENT:

Corporal punishment of any student, by any District employee, is strictly forbidden. Reasonable physical force may be used to: (1) protect oneself, another student, teacher or any person from physical injury; (2) protect the property of others or the District; and/or (3) restrain or remove a student whose behavior jeopardizes the safety of others including himself/herself.

XI. STUDENT SEARCHES AND QUESTIONING:

A. Questioning.

1. 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 Code.
2. Students are not entitled to any sort of Miranda-type warning before being questioned by District officials, nor are District officials required to contact a student's parent before questioning the student. However, District officials will tell all students why they are being questioned.

B. Searches

1. The Board authorizes principals or their delegates to conduct searches of students and their belongings if the authorized official, prior to conducting the search, has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the Code. An authorized official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the authorized official has a legitimate reason for the very limited search.
2. An authorized official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.
3. Before searching a student or the student's belongings, the authorized official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the Code, or get the student to voluntarily consent to the search. The search should be reasonable in scope based upon the object(s) sought. Searches will be limited to the extent necessary to locate the evidence sought.

4. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.
5. Student Lockers, Desks and other School Storage Places. The rules in this Code regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and District officials retain complete control over them. This means that student lockers, desks and other District storage places may be subject to search at any time by District representatives, without prior notice to students and without their consent.

C. Police Involvement in Searches and Interrogations of Students

1. The District is 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 District buildings or at District functions, or to use District 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:
 - a. A search or an arrest warrant;
 - b. Probable cause to believe a crime has been committed on school property or at a school function;
 - c. Been invited by District officials to further the special needs of District security;
 - d. To ensure the safety of students, faculty and staff members, and to prevent disruptions to the learning environment; and/or
 - e. Random locker searches for the general deterrent effect of these types of inspections.
2. Before police officials are permitted to question or search any student, the building principal 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 parent shall be informed of the questioning or search, in writing, by the Principal or supervisor as soon thereafter as possible. The principal will also be present during any police questioning or search of a student on school property or at a school function.
3. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:
 - a. They must be informed of their legal rights.
 - b. They may remain silent if they so desire.
 - c. They may request the presence of an attorney.

D. Child Protective Services Investigations

1. Consistent with the District's commitment to keep students safe from harm and the obligation of District 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.

2. All requests by child protective services to interview a student on school property shall be made directly to the Superintendent. The Superintendent shall set the time and place of the interview. The Superintendent shall decide if it is necessary and appropriate for a District 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 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 District official of the opposite sex.
3. A child protective services' worker may not remove a student from District property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he/she were removed from District property 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.

XII. POSSESSION AND DISTRIBUTION OF LITERATURE:

Students have the right to possess and distribute literature including, but not limited to newspapers, magazines, leaflets and pamphlets. However, students have the responsibility to submit a copy of such literature to the principal in sufficient time for the principal to review and evaluate the material. It is an expectation that the distribution or possession of material will not infringe upon school activities. It is the student's responsibility to ensure that such material is not seditious, libelous, nor salacious. The principal, if permitted, shall determine the time, place and manner of distribution.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY:

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

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, threaten or discriminate against any person on the basis of race, color, creed, national origin, religion, age, disability, gender, or sexual orientation.
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, use, or threaten to use weapons (or facsimiles thereof) 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 officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Use tobacco products of any kind in or on school property or while attending a school function.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

B. Penalties

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

1. Parents/Visitors/Others: Authorization, if any, to remain on or at (and/or return to) school grounds or school functions shall be withdrawn and they shall be directed to leave the premises. If their behavior warrants and/or if they refuse to leave, they shall be subject to ejection and/or arrest. A ban may be imposed by the District requiring notification of and permission from the building principal and/or Superintendent prior to any visit to school property or school related function.
2. Students: Shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements, as stated in this Code of Conduct.

3. School Personnel: Shall be subject to immediate ejection and/or arrest, warning, reprimands, fines, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

Designated persons in a supervisory capacity, including but not limited to: building principals, assistant principals, dean of students, advisors, director of athletics, teachers, staff and chaperones shall be responsible for enforcing the conduct required by this Code.

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

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

XIV. SOLICITATION:

No student is allowed to sell or solicit money from others including staff without prior approval from the principal. This includes any fundraising activity that is not associated with a school sponsored club or activity.

XV. PUBLICATION, DISTRIBUTION AND REVIEW:

Annually, the Code will be publicized and explained to all students and distributed, in writing, to parents and persons in parental relation of students. The Board will appoint a committee to annually review and update, if necessary, the Code of Conduct. The Board will ensure that the educational community is aware of the Code.

XVI. VISITORS TO SCHOOLS:

The Board encourages parents and other District citizens to visit the Districts' 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 is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to District property:

1. Anyone who is not a regular staff member or student of the school or program will be considered a "visitor."

2. All visitors to the District facility must report to the office of the Principal upon arrival at the school for proper identification.
3. Visitors attending District 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) and administrators, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.
7. All visitors are expected to abide by the rules for public conduct on District property contained in this Code of Conduct.

XVII. IN-SERVICE EDUCATIONAL PROGRAMS:

The Board of Education will provide in-service education programs for all District staff members to promote the effective implementation of this Code, to facilitate a safe and supportive school climate while discouraging, among other things, bullying, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management.

In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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