NORTH ROSE-WOLCOTT CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

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II. INTRODUCTION:

The Board of Education ("Board") is committed to providing a safe and supportive school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible and respectful behavior by students, teachers, other district personnel, and parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The environment should be free from discrimination and harassment, as well as foster civility. A focus on the prevention of these behaviors through the promotion of educational measures will positively impact school culture and climate.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("code"). Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function.

Students may be disciplined for conduct that occurs outside of school property that may endanger the health or safety of pupils within the educational system or adversely affect the educational process.

III. DEFINITIONS

For purposes of this code, the following definitions apply.

"ALCOHOL and OTHER SUBSTANCE USE/ABUSE", means possession, distribution, consumption, being under the influence, or sale of illegal drugs, look-a-likes, alcoholic beverages, drug paraphernalia, prescribed medication when authorized or unauthorized non-prescription or over-the-counter medication on school property, on a school vehicle or at a school function.

"CYBERBULLYING" means harassment/bullying through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member 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; pretending to be someone else in order to make that person look bad. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyberbullying or harassment has or 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; 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 the school's programs.

"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.

"DISCRIMINATION" means discrimination against any student be 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 or sex.

"DISRUPTIVE STUDENT" means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"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.

"EMPLOYEE" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

"GENDER" means a person's actual or perceived sex and includes a person's gender identity or expression. (Education Law §292[21]).

"HARASSMENT/BULLYING" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying as defined in Education Law §11(8), that

a) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or

b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or

c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

d) Occurs off school property and created 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.

For purposes of this definition, the terms "threats, intimidation, or abuse" shall include verbal and non-verbal actions. (Education Law §11[7]).

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender (including gender identity and expression) or any other legally protected status.

Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done by one person or a group. Bullying may be a single act or a series of occurrences. Bullying may also be based on any characteristic including but not limited to 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.

Bullying includes, but is not limited to, the following types:

Verbal bullying: includes but is not limited to name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

Physical bullying: includes but is not limited to poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, taking personal belongings without permission, or threatening gestures.

Social or relational bullying: includes but is not limited to excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, blatant or subtle offensive body language, extortion, intimidation, coercion, etc.

"HAZING" means a form of harassment among students defined as 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. 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

"ILLEGAL SUBSTANCES" include, but are not limited to any substances listed in N.Y. Public Health Law § 3306 and all substances commonly referred to as designer drugs and look-a-likes, prescription or over-the-counter drugs, or any product which, when misused, will result in an impaired or altered state, when possession is illegal or contrary to School District's rules, policies, or this Code of Conduct, or such substances are inappropriately used or shared with others.

"INFORMAL CONFERENCE" is an informal meeting of the parents, guardians or individual(s) in parental relation to a student, a student and a School District administrator relative to a disciplinary incident involving the student without the requirements of tape recording or transcription and examination of witnesses associated with a Superintendent's hearing.

"MATERIAL INCIDENT OF HARASSMENT, BULLYING and/or DISCRIMINATION" Material incident of Harassment, Bullying and/or Discrimination means a single verified incident or a series of related verified incidents where a student is subjected 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, and is the subject of a written or oral complaint to the Superintendent, Principal, or their designee, or other school employee. 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.

"PRINCIPAL" means either the Principal of the building or any other administrator in the district acting in the Principal's absence or at the Principal's direction.

"PARENT" means the biological, adoptive or foster parent, legal guardian or a person in parental relation to a student.

"PUBLIC" means exposed to general view.

"RETALIATION" means the actions of an employee, student, or visitor that mistreats any person because he/she has reported, testified about, or otherwise assisted in an investigation, proceeding or hearing concerning alleged harassment or bullying or a student disciplinary matter. An individual may be found to have engaged in prohibited retaliation even if the underlying complaint is determined to be unfounded. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment or inducing a third party to take such actions and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

"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 or the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

"SCHOOL FUNCTION" means any event or activity sponsored by the School District or any of its schools, extracurricular programs, clubs, or which occurs on the School District's property.

"SCHOOL PROPERTY" means any real property, building, structure, or school bus owned, leased, or controlled by the School District or any of its schools, departments or agencies.

"SEXUAL ORIENTATION" means an individual's actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

"TWENTY-FOUR HOURS" within the context of teacher removal of a student from class, is equal to one school day. Weekends, holidays, and vacation days are not counted as part of a twenty-four hour period.

"UNDER THE INFLUENCE" means student use of any quantity of an illegal substance or alcohol and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

"WEAPON" means a firearm as defined in 18 USC §921 and any other gun, pistol, revolver, shotgun, rifle, machine gun, air gun, paintball gun, air rifle, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, can sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray, or other noxious spray, gas canisters, ammunition, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

"VIOLENT STUDENT" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses a weapon while on school property or at a school function.
4. Displays what appears to be a weapon while on school property or at a school function.
5. Threatens a person with use of a weapon while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

IV. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

1. An education that offers opportunity for inquiry and for development to their fullest potential
2. Constructive discipline for the development of good character, conduct, and habits
3. Security in the school community against influences detrimental to proper development
4. An educational climate where the well-being of students is of primary concern
5. An educational staff that exhibits a positive role model
6. The opportunity to develop and express opinions, beliefs and values, provided such expression is not disruptive, slanderous or insubordinate
7. Wholesome extra-curricular activities
8. Health and psychological services to assist in physical, mental and social development
9. An appropriate education and/or remediation to serve special needs
10. Consideration as an individual within the educational environment

11. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education
12. An educational environment that is free from bullying, discrimination, harassment and retaliation including 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

B. STUDENT RESPONSIBILITIES

All district students have the responsibility to:

1. Contribute to maintaining a safe and supportive school environment that is conducive to learning.
2. Show respect to all students, adults, and property.
3. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class, on time and prepared to learn.
5. Accept direction given by teachers, administrators and other school personnel in a respectful manner.
6. Work to develop mechanisms to control their anger.
7. Seek help in solving problems that might lead to discipline.
8. Dress appropriately for school and school functions.
9. Accept responsibility for their actions.
10. Conduct themselves as representatives of the district when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

V. THE DIGNITY FOR ALL STUDENTS ACT

New York State's Dignity for All Students Act (DASA) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.

The intent of DASA is to provide public school students with an environment that is free from discrimination and harassment and to foster civility in public schools. It focuses on the prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate. DASA prohibits students from being subjected to harassment or discrimination by employees or students on school property or at school functions based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, whether such harassment occurs in a cyber form or otherwise.

To comply with the DASA, each school building Principal shall designate the DASA Coordinator for that building who shall receive training in the handling of human relations

in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender (including gender identity and expression). (Education Law §13[3]). Each DASA Coordinator may be assisted by other staff members trained in human relations concerning the above-stated areas, including guidance counselors, The DASA coordinator shall also assist the Superintendent of Schools in providing School District personnel with training regarding the requirements of DASA, the District's DASA policy, and the handling of reports of such prohibited discrimination or harassment.

VI. ESSENTIAL PARTNERS

A. PARENTS

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure their children are absent only for legal reasons.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and support the requirements of their children's teachers concerning school assignments and class rules.
13. Initiate and constructively participate in conferences between parents, students, teachers, counselors, and/or psychologist, conferences, as necessary, as a way to resolve problems.
14. Maintain ongoing and frequent communication with school personnel.
    a. Contact the teacher regarding their child's progress
    b. Contact the counselor regarding their child's personal adjustment, future plans, and their class schedule, as appropriate
    c. Contact the administrator regarding their child's behavior and unresolved concerns

B. TEACHERS

All district teachers are expected to:

1. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
2. Be prepared to teach
3. Demonstrate interest in teaching and concern for student achievement

4. Know school rules, and enforce them in a fair and consistent manner
5. Communicate to students and parents:
    a. Course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Expectations for students
    e. Classroom discipline plan
6. Communicate regularly with students, parents, counselors, psychologists, and other teachers concerning student growth and achievement
7. Initiate parent/student/teacher/counselor/psychologist conference, as necessary, as a way to resolve a problem
8. Confront and respond to instances 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 in compliance with the School District's DASA policy
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting

C. SCHOOL MENTAL HEALTH PROVIDERS (counselors, psychologists, social workers)

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems
2. Initiate teacher/student/counselor/psychologist conferences as necessary and parent/teacher/student/counselor/psychologist conferences as necessary, as a way to resolve problems
3. Review educational progress and career plans with each student
4. Report information to a school administrator which might impact a safe, orderly school environment
5. Encourage students to benefit from the curriculum and extracurricular programs
6. Participate in crisis management
7. Refer students and/or parents to appropriate human service agencies outside the school
8. Access student social and emotional behaviors
9. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
10. 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
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
12. Repot incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a counselor's/psychologist's attention in a timely manner

D. ADMINISTRATORS

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Ensure that students, staff, and parents have the opportunity to communicate regularly with the Principal
3. Evaluate all instructional programs on a regular basis
4. Support the development of, and student participation in, appropriate extracurricular activities
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly
6. Ensure regular communication with law enforcement agencies
7. Initiate parent/student/teacher/counselor/psychologist conferences, as necessary, as a way to resolve a problem
8. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
9. Confront and respond to instances 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 in compliance with the School District's DASA policy
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting

E. SUPERINTENDENT

1. Promote a safe, supportive and stimulating school environment, fostering active teaching and learning
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management
3. Inform the Board of Education about educational trends relating to student discipline
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly
6. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
7. Confront and respond to instances 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
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner

F. BOARD OF EDUCATION

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions
2. Adopt and review at least once every year the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation
3. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
4. 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
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
6. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a board member's attention in a timely manner

G. ALL OTHER SCHOOL EMPLOYEES (instructional and non-instructional)

1. Promote a safe, orderly and stimulating school environment, supporting teaching and learning
2. Maintain a climate of mutual respect 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 legally protected status, which will strengthen each student's self-concept and promote confidence to learn
3. 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
4. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
5. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the Superintendent's attention in a timely manner

VII. STUDENT DRESS CODE

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

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

1. Be safe, appropriate for school and neither distracting from nor disruptive of the educational process

2. Not include garments that are unduly revealing, such as tube tops, net tops, halter tops, attire that does not cover the midriff or that has a plunging neckline (front and/or back) and see-through garments or lewd clothing.
3. Completely cover the student's underwear regardless of the student's posture or position.
4. Always include footwear that does not pose a safety hazard
5. Not include hats or sunglasses while in the classroom, unless required for a verified medical or religious reason. Exceptions by administrators/teachers may be made from time-to-time
6. Not include any item that is vulgar, obscene, libelous, or denigrate others on account of race, color, religion, ancestry, national origin, sex, or disability (criteria covered under DASA)
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities
8. Shirts, shorts and skirts must be at pass below the length of the middle finger when arms are extended at the sides, even if stocking or leggings are also worn. Appropriate length is defined as mid-thigh. Leggings, spandex garments, jeggings, yoga pants and/or tight exercise pants may not be worn unless accompanied by a skirt or shirt that is of the above stated length.
9. Not include jewelry that is disruptive to the educational process (*e.g.*, spiked jewelry, chains hanging from clothing, etc.)
10. Not include garments (*e.g.*, pants, shorts, skirts) that have holes or tears that are placed above the length stated in # 8, above
11. All physical education clothing MUST fulfill the dress code requirements.
    Each Building Principal shall be responsible for informing students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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

VIII. PROHIBITED STUDENT CONDUCT

The Board of Education expects 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 only when necessary 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, when necessary, will be firm, fair and consistent 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
6. Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will often merit a lighter penalty than subsequent violations. However, the district may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the building administrator and, if warranted, shall be administered consistent with Part 201 of the Commissioner's Regulations.

This discipline code will be used by the District to consistently and fairly assign consequences for violating school rules or committing prohibited acts. All staff will enforce school rules, and teachers may establish additional rules within their classrooms. Administrative action will occur via referral when a staff member has exhausted the strategies identified in his/her classroom management plan, in accordance with the building discipline ladder. Interventions and/or consequences may include, but are not limited to, the following:

1. Warning/verbal reprimand
2. Referral
3. Parent/guardian notification
4. Conference
    a. Parent/guardian
    b. Advisor/coach
    c. Service provider, e.g., social services, mental health, and probation
5. Behavioral contract
6. Assigned seating
7. Pass restriction (i.e., movement around the building is supervised, reduced, or eliminated)
8. Loss of privilege(s) (i.e. early release/late arrival, parking on campus, courtyard access, etc.)
9. Removal from class
10. Detention
11. Extended detention
12. Suspension (e.g., in school suspension or out of school suspension)
13. Removal from school property
14. Expulsion or permanent suspension
15. Police notification
16. Hold a consequence in abeyance (i.e., probation in lieu of a consequence)

RANGE OF INTERVENTIONS/CONSEQUENCES FOR BEHAVIOR RELATED OFFENSES

I OPTIONS	**II OPTIONS**	**III OPTIONS**
Oral Warning Written Warning/Referral Parent notification Detention Loss of Privilege	Removal from class Extended Detention Suspension from Transportation Suspension from Athletics Suspension from Social/ Extra-curricular In School Suspension Short-term Suspension Police notification	Long-Term suspension Permanent Suspension

Although not all-inclusive, the following list of offenses may result in disciplinary action, the range of which is further described below.

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 and/or failure to bring a note by a parent/guardian to verify a lawful absence.	I – II
Alcohol/Drug Violation	Possession, distribution, consumption, being under the influence, or sale of illegal substances, alcoholic beverages, drug paraphernalia or prohibited over-the-counter medications.	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.	I – II
Cheating/Academic Dishonesty	Copying, plagiarizing, altering records, forging records or assisting another in such actions.	I – III
Computer/Electronic Communication Misuse	Any unauthorized use of computers, software, or internet/intranet account to access internet/intranet; accessing another's e-mail or an inappropriate website; misuse of a website, including transmission of inappropriate language or images via electronic/digital devices.	I – III
Cutting class	Illegal absence from a class or school activity.	I – II
Cyberbullying	See description in Article III, Definitions, *supra*.	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
Dishonesty	Misleading, concealing or failing to tell the truth.	I – II
Discrimination	Discrimination against any person by a student or employee on school property or at a school function, including, but not limited to the harassment, discrimination or bullying described in Article III, Definitions, *supra*.	I – III
Disrespect Toward Others	Inappropriate comment or physical gesture to a student, teacher, staff member, or other adult.	I – II
Disorderly Conduct	Behavior disturbing 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
Driving/Parking Violations	Failure to obey all state, district, and campus traffic and parking signs and rules.	I – II
Failure to Serve Assigned Consequences	Failure to serve detention, Saturday detention, suspension or other assigned consequences.	I – II
False Alarms/Bomb Threats	Initiating a report or warning of fire, or catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.	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
Gambling	Wagering money or property.	I – II
Harassment and/or Bullying	See description above in Article III, Definitions.	I – III
Hazing	See description above in Article III,	

	Definitions.	I – III
Inappropriate Attire	Dressing in a manner that violates the Dress Code, as described in Article III. Dress Code, above.	I – II
Indecent Exposure	Exposing the private parts of the body in a lewd or indecent manner.	I – II
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/guardian, administrator or someone listed on the emergency procedure card.	I – II
Littering	Failure to clean up after one's self after intentionally or carelessly discarding refuse.	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 of Disruptive Items	Unauthorized possession of a sound box, laser pointer, squirt gun, water balloon, personal audio device, or any other disruptive item.	I – II
Possession of Skateboards, Roller blades/Scooters	Unauthorized use or unauthorized possession of a skateboard, scooter, or roller blades on school property.	I – II
Profanity/Vulgarity	Use of language and gestures or other forms of expression that are inappropriate for school and have the effect of disrupting the educational environment.	I – III
Public Displays of Affection	Physical demonstrations of affection beyond short hugs and hand holding.	I – II
Sexting	Explicit and offensive or lewd communications exchanged with another by electronic means, including text messages, e-mail, or smart phone or computer applications, or any other electronic device, application or means.	I – III
Sexual Harassment	See definition above in Article III, Definitions.	I – III
Tardiness	A student's late arrival to class and/or school.	I – II

Theft	Taking or obtaining another person's property without the owner's permission.	II – III
Threat to Staff, Student or Other Person	Any written, verbal or nonverbal expression that a reasonable person would consider to communicate a threat of any harm or type of injury, abusive, intimidating, or being intended to coerce or injure another.	I – III
Tobacco Violation	Possession or use of any Tobacco Product, as defined in Article III, definitions. This prohibition extends to 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
Unacceptable Language	Using vulgar or abusive language, cursing, or swearing.	I – II
Weapon Possession	See definition in Article III, Definitions.	II – III

IX. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student or visitor who observes a violation of the Code of Conduct should report it immediately to a School District employee. Any School District employee who observes or is made aware of such a violation should address the violation directly or report it to an administrator, as appropriate.

Certain acts of misconduct which occur may require the exercise of reasonable judgment by School District personnel in consultation with the building administrator, Superintendent of Schools, or his/her designee in order to determine whether the misconduct should be referred to law enforcement or other governmental agencies. The School District's administrators and teachers are responsible for administering the School District's policies, rules and regulations governing student conduct in a reasonable manner, taking into account the age level, maturity and/or disability of the student(s) involved, as well as the gravity of the offense.

Reporting Discrimination, Harassment and Bullying

The school building administrator is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee, and upon receipt of such a report, these employees shall notify the building administrator as soon as is practical. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying, and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report 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 bullying/cyberbullying behavior) shall document and take appropriate action to address then immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a School District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the employee shall notify the school building administrator as soon as is practical, and, in any event, within one school day after witnessing or learning of such conduct. Such a School District employee shall also file a written report with the school building administrator within two school days after making an oral report.

After receipt of a complaint, the school building administrator shall lead or supervise a thorough and reasonable investigation of the alleged harassing, bullying and/or retaliatory conduct. The building administrator or the building administrator's designee shall ensure that such an investigation is completed within a reasonably prompt time, in accordance with the School District's DASA policy and/or any other applicable policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of such an investigation, if the School District determines that one of its officials, employees, volunteers, vendors, visitors and/or students has violated the Code of Conduct, the District's DASA policy or that engaged in a material incident of harassment, bullying and/or discrimination, the School District shall take such immediate corrective action that is reasonably calculated to stop any future instances of such misconduct, eliminate any hostile environment, create a more positive school culture and climate, and ensure the safety of every student or students against whom such violation was directed and who reported or cooperated in any investigation or proceeding regarding such violation.

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.

In the event that the Principal is the alleged offender, the report may be directed to the Superintendent of Schools, the Assistant Superintendent for Business & Operators, or

another building Principal. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

i. Promptly investigated in accordance with the School District's policy;
ii. Forwarded to the Dignity Act Coordinator for monitoring; and
iii. Treated as confidential and private to the extent possible within legal constraints.

The building administrator must notify promptly the Superintendent of Schools or his/her designee and, if appropriate, an appropriate local law enforcement agency an incident of bullying, harassment or discrimination that the building principal believes may constitute a crime.

Prevention is the cornerstone of the School District's effort to address bullying and harassment. In order to implement its anti-bullying prevention program, the Board will designate, at its annual organizational meeting, the building administrator at each school to act as the DASA Coordinator for that building. The District's designated Dignity Act Coordinators are:

Name	*School*	*Phone*	*Email*
TBD	Elementary	315-594-3144	
Kristin DeFeo	Leavenworth Middle School	315-594-3144	kdefeo@nrwcs.org
Mathew Wendel	High School	315-594-3144	mwendel@nrwcs.org
Robyn Roberts-Grant	District	315-594-3144	Rroberts-grant@nrwcs.org

Each additional DASA Coordinator shall be employed by the District and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor or Superintendent of schools. These individuals shall be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status as well as provided with training which addresses the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

X. DISCIPLINARY PROCEDURES AND PENALTIES

The amount of due process to which a student is entitled before a student disciplinary penalty may be imposed depends on the type of penalty being considered. In all cases, regardless of the penalty being considered, School District personnel authorized to impose such penalty must notify the student in reasonable detail of the misconduct the student is alleged to have committed, conduct an investigation regarding the alleged misconduct and provide the student's parents with any notice required by Education Law § 3214. Prior to the imposition of any penalty, a student must be provided an opportunity to

state their version of the facts to school personnel considering the imposition of a disciplinary penalty, which must be commensurate with Education Law § 3214.

Students who are to be given a penalty that exceeds a verbal warning, written warning, written notification to their parents or detention, may be entitled to additional rights, as listed below, before the penalty is imposed.

1. **Detention**

   Teachers, building administrators and the Superintendent may use after-school detention as a penalty for student misconduct for which removal from the classroom or an out-of-school suspension would be inappropriate

2. **Suspension from transportation**

   If a student fails to conduct himself/herself properly on a bus, the bus driver shall notify the building administrator of the student's conduct and the building administrator shall address the matter with the student and the student's parents as the building administrator deems appropriate. Students who become a serious disciplinary problem or safety risk while on the bus may have their riding privileges suspended by the building administrator or the Superintendent. In such cases, the student's parent shall be responsible to arrange for the student's safe and timely transport to school. However, in any case in which a student's suspension from transportation would amount to a suspension from attendance of school, the School District shall make appropriate arrangements to provide for the student's education.

   A student who is being considered for a suspension from transportation is only entitled to an informal conference with the building administrator to discuss the conduct and an appropriate penalty.

3. **Suspension from athletic participation, extra-curricular activities and other privileges:** A student being considered for a suspension from athletic participation, extra-curricular activities or other privileges is only entitled to an informal conference with the School District official responsible to consider and determine the propriety of imposing such a penalty during which they may discuss the student's alleged conduct and an appropriate penalty.

4. **In-school Suspension**

   The Board recognizes that its schools must balance the need of students to attend school and the need to maintain good discipline and order in the classroom and school buildings and an environment conducive to learning. Therefore, the Board authorizes its Superintendent and its building administrators to impose an in-school suspension on students who are found to have engaged in misconduct that warrants an out-of-school suspension. An in-school suspension is the temporary removal of a student from his/her regularly assigned classroom and his/her placement in another area of the school building designated for such a suspension and where the student will receive a substantially alternative education that is appropriate with the student's needs.

   A student subjected to an in-school suspension shall only be entitled to an informal conference with his/her parents and the School District official considering

the imposition of an in-school suspension, during which they may discuss the student's conduct and an appropriate penalty.

5. **Teacher Removal of Disruptive Students**

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good classroom management techniques. Occasionally, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure an appropriate learning environment for the other students in a class.

A classroom teacher may remove a student from class for up to two days if the teacher determines that the student is disruptive. The removal shall only apply to the particular class from which the student was removed.

If the teacher finds that the student's continued presence in the classroom does not pose a continuing danger to persons or property and does not present an ongoing threat of disruption of the academic process, the teacher shall, before removing the student from the classroom, provide the student with an explanation of the reasons for such removal and allow the student to informally state his/her version of the relevant events. In cases in which the teacher believes the student's continued presence in the classroom poses a continuing danger to persons or property and does not present an ongoing threat of disruption of the academic process, the teacher shall provide the student with an explanation of the basis for the student's removal and an informal opportunity to be heard within the school day following the student's removal.

A teacher who has removed a student from his/her class shall complete the School District's established referral form for such cases and inform with the building administrator of the removal and the reasons for it before the end of the school day on which the removal occurred or as soon thereafter as is possible.

The building administrator shall inform the person in parental relation to the student of the removal and the reasons for it within the school day following the student's removal. The parent(s) and student shall be given, upon request, an opportunity for an informal conference with the building administrator to discuss the reasons for the removal. If the student denies the charges at the informal conference, the building administrator shall provide an explanation of the reasons for the student's removal and provide the student and/or person in parental relation with an informal hearing at which the student and/or person in parental relation may state the student's version of relevant facts. Such an informal hearing shall be held within two school days of the student's removal.

Such and, on request, provide the student and the student's parents with an opportunity for an informal conference with the building administrator or the building administrator's designee to discuss the reasons for the removal. If the student denies the grounds for his/her removal during the informal conference, the building administrator or the building administrator's designee shall provide the parent with an explanation of the basis for the student's removal and provide the student and/or the student's parents with an opportunity to present the student's version of events at an informal hearing to be held within 48 hours of the student's removal.

The building administrator may set aside the removal imposed by the teacher if the building administrator finds that the charges against the student are not supported by substantial evidence or the student's removal was otherwise in violation of law or the conduct warrants an out-of-school suspension. The building administrator shall make such determination by the end of the business day following the second school day on which the informal hearing was held.

Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, a teacher may not remove a student with a disability from his or her class unless and until the teacher has verified with the Building Principal and/or Director of Special Education that the removal will not violate the student's rights under Article 89 of the Education Law or 8 N.Y.C.R.R. § 201.1, et seq.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a Principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class.

6. **Out-of-School Suspension:**

Students who engage in misconduct that is insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others may be assessed an out-of-school suspension pursuant to Education Law § 3214. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

Any staff member may recommend a student's suspension to the Superintendent or the Principal. All student disciplinary referrals and recommendations shall be made in writing on the School District's form for such purposes unless the circumstances require 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. Out-of-School Suspension Not Exceeding Five Days: An out-of-school suspension for five days or less may be imposed by a student's Building Principal, the Superintendent or the Board of Education (the "suspending authority"). When the suspending authority determines that such a suspension may be appropriate, the suspending authority shall provide the student with an explanation of the basis for the suspension. The Principal shall make reasonable efforts to provide the person in parental relation to the student with telephonic notice of the proposed suspension and the reasons for it. The Principal shall provide the person in parental relation to the student with written notice of the suspension, the reasons therefore, and that the student and person in parental relation may, upon request, have an informal conference with the Principal at which they may state the student's version of events and the parent may have questions asked of complaining witnesses. Such notice and opportunity for an informal conference shall take place before the student's suspension, unless the student's continued presence in the school shall pose a danger to persons or property or is an ongoing threat or disruption to the academic.

If the suspending authority determines that the student's continued presence in the school shall poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the pupil's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the opportunity for the informal conference, the Principal shall notify the parents in writing of the discipline to be imposed and the right to appeal the decision to the Board of Education by filing a written appeal with the District Clerk within 10 business days of the date of the Principal's decision, unless they demonstrate extraordinary circumstances that prevent them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Out-of-School Suspensions Exceeding Five Days: When the Superintendent determines that student misconduct may warrant an out-of-school suspension exceeding five days, the School District shall provide the person in parental relation to the student with reasonable notice of their right to a fair hearing at which the student may be represented by counsel, question witnesses against the student, present witnesses on the student's behalf and present other evidence in defense of the charges.

The Superintendent or the Superintendent's designee shall conduct such hearing and shall be authorized to administer oaths and to issue subpoenas in for that purpose. An audio recording of the hearing shall be maintained. The Superintendent shall determine the charges and an appropriate penalty to be assessed, if any, or the Superintendent's designee shall provide the Superintendent with a report stating findings of fact and a recommended penalty, if any, which shall be advisory only.

A student or person in parental relation to the student may appeal the Superintendent's decision to the Board of Education by filing a written appeal with the District Clerk within 10 business days of the date of the notice of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board shall determine such appeal based solely upon the record of the Superintendent's hearing. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commission of Education within 30 days of the date of notice of the Board's decision.

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

A. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school

Any student found guilty of bringing a weapon onto school property will be subjected to suspension from school for at least one calendar year, following a hearing pursuant to Education Law §3214. The Superintendent has authority to reduce this penalty based on mitigating circumstances on a case-by-case basis. Mitigating circumstances the Superintendent may consider include the following:

a. The student's age.
b. The student's grade in school.
c. The student's prior disciplinary record.
d. The Superintendent's belief that other forms of discipline may be more effective.
e. Input from parents, teachers and/or others.
f. Other extenuating circumstances.

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 who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least one day, consistent with the requirements of Education Law § 3214 and the provisions regarding out-of-school suspensions stated above. A Building Principal has the authority to modify the minimum one-day suspension based on mitigating circumstances, on a case-by-case basis.

In deciding whether to modify the penalty, the Principal may consider the same factors identified above regarding the Superintendent's consideration of a one-year suspension for possession a weapon.

A student with a disability may be suspended only in accordance with the requirements of Part 89 of the Education Law and Part 201 of the Commissioner's regulations.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.

Any student who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, may be suspended from school for at least one day, in compliance with Education Law § 3214 and the above-stated provisions concerning out-of-school suspension. The Principal shall have discretion to modify the minimum one-day suspension based on mitigating circumstances, on a case-by-case basis. In deciding whether to modify the penalty, the Principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with Part 89 of the Education Law and Part 201 of the Commissioner's regulations.

B. REFERRALS

1. **Counseling:** The Guidance Office shall handle all referrals of students to counseling.
2. **PINS Petitions:** The School District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
    a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
    b. Engaging in an ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
    c. Knowingly and unlawfully possesses marijuana or other illegal drugs in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

3. **Juvenile Delinquents and Juvenile Offenders:** Students who have brought a "weapon" or "firearm" (as defined in 18 U.S.C. §930(g)(2) and 18 U.S.C. §921, respectively) to school may be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) will be referred to a presentment agency for juvenile delinquency proceedings, unless the student is a fourteen (14) or fifteen (15) year-old who qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42); a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualified for juvenile offender status will be referred to the appropriate law enforcement authorities.

XI. ALTERNATIVE INSTRUCTION

When a student of any age is removed from a class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply. A "suspension" means a suspension pursuant to Education Law §3214. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

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 of Schools or a Building Principal delegated the authority to suspend students 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 the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury while at school or at a school activity. For this purpose, the following definitions apply:

1) "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.
2) "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 of any other federal law.
3) "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 ½ inches in length."
4) "Serious bodily injury" as defined in 18 USCA §1365(h) means a bodily injury that involves:
   1. a substantial risk of death; or
   2. extreme physical pain; or
   3. protracted or obvious disfigurement; or
   4. protracted loss or impairment of the function of a bodily member, organ or mental faculty. An impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

B. Change of Placement Rule

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

a. for more than 10 consecutive school days; or

b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because

they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:

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.

Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES or impose a suspension that constitutes a disciplinary change in placement.

If it is determined that the conduct is not a manifestation of the disability, the student may be disciplined in the same manner and duration as a non-disabled student.

A student may not be suspended or removed from his or her current educational placement following a determination that the behavior in question is a manifestation of the student's disability except where the student is placed in an IAES for not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, the student knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury while at school or at a school activity.

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 school 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. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations, or

3. Was not provided consent for the evaluation by the parent, or

4. Received the parent's refusal of services or revocation of consent for services.

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 of Education 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 Regulations of the Commissioner of Education incorporated into this policy.

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 Regulations of the Commissioner of Education incorporated into this policy.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

(1). During the 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.

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

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 School District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XIII. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this environment, any administrator or instructional personnel may question a student about an alleged violation of law or the School District policies or rules, including this Code of Conduct without first providing the person in parental relation with notice of such questioning or seeking that person's consent.

In addition, any School District administrator or instructional personnel may search a student's person or belonging if the administrator or instructional personnel have grounds to reasonably suspect that the student has violated the law or School District policies or rules and the search will result in evidence of such violation.

"Reasonable suspicion" means that whoever is conducting or authorized the search, has a good faith reason to believe that the student violated the law or school rules and that a search will provide evidence of such violation. Such a reasonable belief must be based upon all the circumstances of the situation, including such things as:

a. The student's age;
b. The student's school record and past history;
c. The seriousness of the problem to which the search is directed;
d. The reliability of the information used to establish the need for the search;
e. The urgency necessitating an immediate search.

School District administrators and instructional personnel may search a student or the student's belongings based upon information received from a reliable informant – i.e., someone the administrator or teacher knows to be trustworthy or who has made an admission against their own interest, or the same information has also been received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees are presumed to be reliable.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Under no circumstances will any School District personnel conduct a strip search of a student or require a student to disrobe beyond an outer coat or jacket for purposes of a student search.

By virtue of requesting authorization to park a motor vehicle on school property, a student and/or any owner of such vehicle, agree that the School District

may search the vehicle at any time and the student and/or vehicle owner have no reasonable expectation of privacy in a vehicle or anything contained therein.

A. Student Lockers, Desks and Other School Storage Places

Students have no reasonable expectation of privacy with respect to school lockers, desks, or any other storage place owned by and belonging to the School District. Such items are the School District's property and students have no reasonable expectation of privacy in their regard. The School District's officials retain complete control over them. Therefore, School District personnel may search student lockers, desks and other school storage places provided by the School District, including School District computers and other information technology hardware provided by the School District or accessed through its Internet access provider, servers or other equipment and School District personnel may search such things at any time, without prior notice to, or consent from, students or the person in parental relation to a student.

Student data files and electronic storage areas are the property of the District. Such data and all District equipment shall be subject to District control and inspection. District officials and their designees may access all such files and communications without prior notice, without student consent, and without a search warrant. Students and other individuals with access to District computers and networks should NOT expect that information stored on such equipment or networks will be private.

B. Strip Searches

A strip search is a search that requires a student to remove any clothing, other than an outer coat, jacket, or similar outer garment. School District personnel are prohibited from conducting such a search of a student for any reason. In any case in which School District personnel believe a student may possess contraband that cannot be detected or secured without such a search, authorized school officials should contact either the student's parents and/or law enforcement officials, as appropriate, to have the student removed from the school.

C. Documentation of Searches

The *building Principal or designee* shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification if applicable.

The *building Principal* shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The *building Principal* shall retain control of the items, unless the items are turned over to the police. The *building Principal* shall be responsible for personally delivering dangerous or illegal items to police authorities.

Students Under Sixteen Years of Age:

When law enforcement officers seek to interview a student on School District grounds or remove a student from School District facilities, School District officials and police should cooperate in making diligent efforts to notify the parents of any student under sixteen years of age. School officials will notify a student's parents that law enforcement seeks to interview a student or remove a student from school and obtain parental consent or presence prior to such action by law enforcement, unless law enforcement present school officials with a warrant or other authorization permitting law enforcement to interview or take custody of the student.

When School Officials Should Report a Crime:

School officials should report to the police all student crimes in the following categories which are committed on school premises (a) any illegal possession or use of a weapon; (b) any illegal possession or sale of a narcotic or other illegal drug or substance, (c) any crime resulting in a physical injury, (d) any bomb threat, (e) any nonconsensual sexual contact, (f) any other felony. School officials may report to police misdemeanors and lesser offenses, but may refrain from doing so when, in their discretion, the health, safety and welfare of others in the school environment may be adequately protected by school discipline of the offender and the victim does not want the police called. However, School District personnel should not attempt to dissuade or prevent the victim of a crime or the victim's parents from reporting the criminal act to law enforcement.

E. Child Protective Services Investigations

Consistent with 18 N.Y.C.R.R. § 432.2(h) (2), the School District shall provide child protective services with such assistance and data that will enable the agency to fulfill its responsibilities properly, including access to records relevant to an investigation of such agency and access to any child named as a victim in a report of suspected abuse or maltreatment or any sibling of such a child resigning in the same home. Such access shall be provided upon request to the Building Principal without the necessity of presenting a court order or the consent of the student's parent or other person in parental relation to the student. School District personnel shall only ask child protective services to provide appropriate identification and comply with school visitor policies. In cases where child protective services interviews a student at a school, School District personnel shall observe said interview in the same room.

Representative of the local child protective services agency shall not be permitted to remove a student from school property without a court order authorizing it do so or an order of the Commissioner of the Department of Social Services.

XIV. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's 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 the schools:

1. Anyone who is not a regular staff member of student of the school will be considered a "visitor."
2. All visitors to the school must report to the Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must sign out prior to leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers 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 warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XV. 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.

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.

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 remove district property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school ground 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, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, or disability (under criteria of the Dignity for All Students Act.)

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles.

9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.

10. Possess or use of firearms or other weapons.

11. Loiter on or about school property.

12. Gamble on school property or at school functions.

13. Refuse to comply with any lawful order of identifiable school district officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this code.

15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Law enforcement officers may be contacted.

2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.

3. Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other district staff who is authorized to take action consistent with the code.

When the Superintendent or his/her designee sees 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 designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official 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 designated school official 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 civil or criminal legal action against any person violating the code.

XVI. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request (District's Back to School Newsletter).
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the code of conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

The Board will provide an information program for all district staff members to ensure the effective implementation of the code of conduct. 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.

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

Before making any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.